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SOCIETY PUBLICATION OF ITS TRANSACTIONS.

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## ANNUAL ADDRESS

OF THE

President of the Medical Society

OF THE DISTRICT OF COLUMBIA.

DELIVERED BY

SAMUEL C. BUSEY, M. D.

DECEMBER 18, 1895.

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PUBLISHED BY ORDER OF THE SOCIETY.

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GENTLEMEN : It gives me great pleasure to congratulate the Society upon its continued prosperity and activity. During the year forty additional members have been admitted to the active list and twenty-two to the membership by invitation. Every meeting has been abundantly supplied with material for consideration and discussion. In fact, at times the offers have been so numerous that the authors were required to abbreviate their essays to a prescribed limit of time. The discussions have been full and interesting, and, with rare exceptions, closely applied to the subject under consideration, with much less irrelevancy than is usual in impromptu discussions. The debates have shown also a marked and commendable improvement in fluency of speech, and conciseness and correctness of diction.

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In consequence of my long absence from the weekly meetings during the later months of the first session, I am not permitted to make any analysis of the scientific merits of the papers read, or even to cite those of special merit, but I cannot omit honorable mention of the addresses of Drs. W. P. Mason, of Troy, A. H. Smith, of New York, William Osler, of Baltimore, and Abraham Jacobi, of New York.

Notwithstanding the falling off of the weekly attendance during the later months of the first session of this year, the average attendance was sixty-three, being an average increase of twenty-two more than for the corresponding period of 1894. During the present session the largest number present at any one meeting was 111, and the average has been 94, thus showing a largely increased attendance during the present year. These figures exhibit a most commendable interest in the transactions of the Society. It is hoped the impetus which the Society has acquired in the past two years will continue with unabated force, and that the transactions of succeeding years may be enriched with the evidence of that progress which will, in the future, as in the past, continue to elevate the science of medicine and widen the scope of its beneficence.

Sufficient time has not yet elapsed to establish the wisdom and utility of all the recommendations made in the last annual address, and which were adopted by the Society. There is no dissentient suggestion of an unfavorable result of their diligent and impartial enforcement.

I am not without hope that the Society may recede from its dissent to the recommendation that its scope of power and usefulness would be extended and enlarged by some method of communicating with the public at large the consideration of matters that refer to the well-being and

healthfulness of the community, and in which there is such general interest as make it expedient and proper to present the consensus of medical opinion to the consideration of this community. Perhaps the expediency and propriety of such an innovation could be more satisfactorily determined by the tentative approach to such policy under the operation of some temporary regulation than by a constitutional provision.

The propriety of inviting, during each year, one or more men from other cities to deliver addresses before you has proven eminently successful and instructive. But I must renew the admonition to avoid the rôle of the advertising medium, and restrict such invitations to physicians whose eminent success and high character preclude even the suggestion of motives of doubtful repute, and to condemn by positive refusal all personal solicitations.

#### MILK LEGISLATION.

The efforts of the Committee on Legislation to secure the enactment of a law to regulate the supply and sale of milk in this District have not been entirely satisfactory. The bill, H. of R. No. 8231, which had received the endorsement of the Commissioners of the District, and of this Society, passed the House of Representatives without alteration, but the Senate Committee on the District of Columbia suggested so many amendments, which so completely eliminated its penal provisions (see Appendix, p. 31), that I presented to the Senate the following remonstrance to their adoption :



53D CONGRESS,  
3d Session.

SENATE.

{Mis. Doc.  
No. 96.

## IN THE SENATE OF THE UNITED STATES.

FEBRUARY 8, 1895.—Laid on the table and ordered to be printed.  
FEBRUARY 15, 1895.—Ordered to be reprinted, with appendix.

Mr. FAULKNER presented the following

**MEMORIAL, FROM THE MEDICAL SOCIETY OF THE DISTRICT OF COLUMBIA, FAVORING THE PASSAGE OF H. R. 8231, ENTITLED "AN ACT TO REGULATE THE SALE OF MILK IN THE DISTRICT OF COLUMBIA," AND APPENDIX.**

*To the honorable Senate of the United States in Congress assembled:*

The Medical Society of the District of Columbia respectfully represents to the honorable Senate that the bill of the House of Representatives, No. 8231, entitled "An act to regulate the sale of milk in the District of Columbia, and for other purposes," now pending before the honorable Senate, originated with the Commissioners of the District of Columbia, and was submitted by said Commissioners to this society for examination and approval. After a thorough consideration, this society gave to the bill, as it has been passed by the House of Representatives, its unanimous and unqualified indorsement. Subsequently the same bill was approved by the legal adviser of the Commissioners and by Dr. D. E. Salmon, Chief of the Bureau of Animal Industry of the Department of Agriculture.

The Medical Society of the District of Columbia respectfully represents to the honorable Senate that the purpose of the bill, as passed by the House of Representatives, is to secure to the residents of this District a supply of good, unpolluted, and unadulterated milk, which

cannot be secured except through the enactment and enforcement of a law that will compel the milk producers and dealers to supply the food at a fixed standard of quality, purity, and freedom from the germs of disease.

The consensus of medical opinion establishes the fact that the present method of production, collection, and supply of milk in this District is one of the most dangerous of human industries in that the supply is subjected to contamination with the germs of disease from infected milk yielding animals and from persons employed about the dairy farms. It is known that milk from tuberculous cows will convey tuberculosis, the most dreadful and fatal of all diseases in this country to human beings, and more especially to young children fed upon such infected milk.

It is, however, not only disease in the cow which may be conveyed. It often conveys virulent, infectious diseases from the dairyman's family to his customers. Typhoid fever, scarlet fever, and diphtheria have been very frequently conveyed by the transmission of the germs of these diseases from the farm to the consumers of the milk. By reference to the appendix it may be seen that 138 epidemics of typhoid fever, 74 of scarlet fever, and 28 of diphtheria have been positively traced to milk infected with the germs of these diseases.

Milk is such an admirable medium favorable to the growth of bacteria that even when taken from cattle entirely healthy, and on farms free from infectious and contagious diseases, it will, unless properly prepared for transportation, undergo such rapid changes, induced by bacteria, that it may be rendered unfit for human food, especially for young children, before it can be delivered to the consumers.

In view of the foregoing facts, it becomes an absolute necessity, in the interest of sanitary science and preventive medicine, that the sale of milk in this District should be regulated by such legislation as will afford that protection from preventable causes of disease which the welfare of the community demands.

The proper inspection of milk requires a chemical and bacteriological examination by persons skilled in such ex-

aminations of dairy products. To such investigations must be added personal inspection, at intervals not to be fixed by or known to the dairymen of the herds and farms, that unfit and improper feeding and housing may be detected. The freedom of the herd from tuberculosis can be positively and only determined by the tuberculin test. So also is a personal inspection of the farm necessary to prevent the infection of the milk by the germs of diseases, such as typhoid fever, scarlet fever, and diphtheria, with which some of the employees may be afflicted.

The Medical Society of the District of Columbia fears that the proposed amendments to House bill No. 8231 are exclusively in the interest of milk producers and dealers, and, if adopted, will promote and protect more aggressive frauds than have heretofore been perpetrated upon the consumers of milk in this District, by more frequent and deliberate adulterations and pollution of the milk supplied to them. This apprehension grows out of the fact that in every section of the bill defining an offense its violation is qualified by the proposed insertion of the words "knowledge, known, or knowingly," which it is believed will render those provisions of the bill inoperative. In the case of *The People v. Kebler*, New York court of appeals, the court said:

Experience has taught the lesson that repressive measures which depend for their efficiency upon proof of the dealer's knowledge, and of his intent to deceive and defraud, are of little use and rarely accomplish their purpose.

The society begs leave, furthermore, to suggest that the bill, with the pending amendments, will so increase the profits of disreputable producers and dealers that those wishing to supply good and unpolluted milk will be driven from the trade, and that the supply of adulterated and infected milk will be increased, to the detriment of the consumers, and the society therefore prays that the honorable Senate will concur in the enactment of House bill No. 8231.

I have the honor to be, your obedient servant,  
 SAMUEL C. BUSEY, M. D.,  
*President of the Medical Society*  
*of the District of Columbia.*

At a subsequent hearing before the subcommittee, composed of Senators Faulkner, Hunton, and Gallinger, the committee was induced to recede from some and to modify others of the proposed amendments, so that, finally, the bill was passed as the law now exists (see Appendix, p. 31). This law is a step far in advance of the previous regulations of the supply and sale of milk, but falls short, in many particulars, in securing to the consumers of milk in this District a supply free from adulteration and pollution.

At this hearing it was strangely apparent that legislators of such high distinction and intellectual attainments should be so reluctant to accept the clinical evidence of milk infection with pyogenic germs of contagious diseases, and refuse the full measure of protection which this community demands. In a recent paper read before this Society the filthy contamination of the milk supply of this city was so fully set forth that no one could doubt its disease-producing qualities.

#### REPORT OF ZYMOTIC DISEASES.

The experience of the present year has clearly demonstrated the necessity of some compulsory legislation requiring every physician to report to the Health Department every case of zymotic disease occurring in his practice. No system of sanitation or preventive medicine can be effective without the knowledge of the number and location of every such case of disease, at all times of the year, and more especially during the prevalence of an epidemic. If every case of typhoid fever that has occurred in the District during the present year had been promptly reported to the Health Department, the fair fame and healthfulness of this city would not have been tarnished

by the exaggerated and detrimental reports which have been spread all over the country, and the cases due to milk and water infection and soil pollution could have been classified with almost absolute accuracy. There would have been fewer cases and a lower death-rate. The constantly reiterated statement that this or that family or "my people" would not permit such reports is a fallacy unworthy of respectful consideration, when the mortuary columns of the local press are teeming with reports of distress and sorrow that bring home to every household the inadequacy of municipal protection from preventable diseases. Every good citizen will willingly submit to a law that offers protection from sorrow, suffering, expense, deaths, and funerals.

#### MEDICAL PRACTICE LAW.

The history of the efforts, disappointments, and failures of this Society to secure the enactment of a law to regulate the practice of medicine in this District has not been written. It therefore becomes my duty, as the chairman of the committee now in charge of legislation, to record in some permanent form the proceedings of this committee. In 1893, some time previous (15 months) to the appointment of the present committee, the first effort was made, which culminated in the enactment of a law entitled "An act to incorporate the Eclectic Medical Society of the District of Columbia" (see Appendix, p. 30), which endowed seven persons, therein named, not one of whom was a member either of this Society or of the Medical Association of the District of Columbia, "with all the rights, privileges, and immunities that appertain to other medical societies in the District of Columbia." This statute confers upon that society the corporate power to license persons to practice medicine in this District.

In 1870 Congress passed "An act to incorporate the Washington Homœopathic Medical Society" (see Appendix, p. 30), in which it is provided that said society shall examine and "license to practice medicine or surgery in the District of Columbia" only such candidates as shall "sustain a good moral character, and shall present letters testimonial of their qualifications from some legally authorized medical institution." In abstract, this is a more specific definition of the qualifications of the licentiate than is set forth in the charter of this Society, granted in 1819, which prescribes that it shall elect a board of examiners, "whose duty it shall be to grant licenses to such medical and chirurgical gentlemen as they may, upon full examination, judge adequate to commence the practice of the medical and chirurgical arts, or as may produce diplomas from some respectable college or society." The charter of the Medical Society of the District of Columbia, therefore, ordains the alternative of an examination of, or the presentation of a diploma by, its licentiates, which was eliminated from the charter of the Washington Homœopathic Medical Society.

Twenty-three years after the date of the charter of the Washington Homœopathic Medical Society, 1893, the Congress of the United States chartered a third medical society, "endowed with all the rights, privileges, and immunities" of the two senior medical societies, and empowered it "from time to time to make such by-laws, rules, and regulations as they find necessary, and do and perform such other things as may be requisite for carrying this act into effect, and which may not be repugnant to the Constitution and laws of the United States." The endowment of a medical society with such extraordinary powers and rights constitutes a retrograde movement in medical education, and may establish such an obstacle to

the attainment of the higher standard of knowledge in medicine as to invoke remonstrance, pushed to the limit of resistance. A liberal and perhaps fair interpretation of the provisions of this act might possibly confer the corporate power to supply this community with "physicians," not less in number than its population, without licenses or diplomas from responsible, respectable, or other legally authorized medical college, society, or institution, and independently of the annual influx of the quacks, charlatans, and impostors driven hither from the States and Territories.

Notwithstanding these failures and disappointments, this Society accepted the invitation of the Washington Homœopathic Medical Society to unite in the preparation of a bill that would be satisfactory to both. The joint committee failed to agree, and this Society completed the preparation of the bill that was introduced into Congress July 7, 1894, and is known as House bill No. 7661 (see Appendix, p. 33), entitled "A bill to regulate the practice of medicine and surgery in the District of Columbia, and for other purposes." This bill was referred "to the Committee on the District of Columbia and ordered to be printed," and there it remained without further consideration.

In October following (1894) this Society reorganized its Committee on Legislation, which proceeded immediately to discharge the duties imposed upon it. Upon its recommendation the Society amended House bill No. 7661 by eliminating from its provisions every reference to the Homœopathic and Eclectic Medical Societies. These emendations grew out of the failure of the conferences of the previous committees of this and the Homœopathic Society to agree in framing a bill satisfactory to the latter society, and it was therefore deemed most expedient by

the committee, then in charge, for this Society to present its views in a distinctly concrete form, absolutely free from any proposition of compromise with any and all other medical societies, and thereby compel the dissenting societies to commit themselves to definite views and propositions, as the basis of an amicable adjustment of differences by the legislative authority. As thus amended it was presented, December 10, 1894, by the Hon. J. T. Heard, and is known as House bill No. 8133 (see Appendix, p. 37).

Subsequently, December 17, 1894, the Hon. H. W. Blair offered a bill to regulate the practice of medicine in the District of Columbia, known as House bill No. 8229, which was intended to enact "that the Physio-Medical School of Medicine (see Appendix, p. 41) shall have all the rights, privileges, and protection that is or may be provided by law for allopathic, homœopathic, or any school of medicine within the District of Columbia."

After a preliminary hearing by the H. of R. committee on the District of Columbia, at which bill No. 8133 was fully explained and the object of this Society in seeking its enactment was fully set forth, it was referred to the Commissioners of the District of Columbia for consideration and recommendation. As is customary, the Commissioners granted, December 19, 1894, a special hearing to those interested in the bill, at which there were present committees representing this, the Washington Homœopathic and Eclectic Medical Societies, and several other persons. At this conference a most pronounced opposition to bill No. 8133 was developed, and urged with considerable force and pertinacity; some objecting to any legislation on the subject, and others to the exclusive provisions of the bill. The Washington Homœopathic Medical Society offered a substitute, identical in some of its sections with House bill No. 8133, but differing in the



method of establishing and enforcing a uniform standard of qualification. Its committee not only conceded the necessity of a law to regulate the practice of medicine in this District, but based its action upon the broad statement that the laws of this District "were totally inadequate to protect its citizens from imposition."

This substitute bill was subsequently, January 23, 1895, introduced into the Senate, and is known as Senate bill No. 2645 (see Appendix, p. 41), and was referred to the Commissioners, by whom a second special hearing was granted, which was in effect a recapitulation of what occurred on December 19, 1894. At this stage of the proceedings the whole question remained in abeyance until the report of the Commissioners was made in the form of a bill introduced into the Senate by Senator Harris, January 31, 1895, and known as "the Commissioners' bill" (see Appendix, p. 46), or Senate bill No. 2685 (53d Congress, 3d session). The bill was modelled after the laws of New York and Pennsylvania, and would have been accepted by the committee of this Society but for several interpolations, more especially the following :

"Any applicant intending to practice in the District of Columbia any system of medicine or treatment other than the regular or homeopathic or eclectic system, and stating such intention in his application, shall be exempt from such part of any examinations to which he may be subjected as relates exclusively to the treatment of disease, but such applicant shall submit in all other branches to the same examinations as are required of other applicants, and shall be examined by such boards of examiners as may be designated by the board of medical supervisors: *Provided*, That any person who may avail himself of the exemption allowed by this clause, and who receives a license under this act, shall cause at all times to be plainly affixed to any sign or signs he may erect, or cause to be erected,

and to any prescription blanks, bill-heads, and other articles he may use in his professional work, and to be inscribed in any advertisement he may cause to be displayed, the designation of the system of medicine or treatment employed by him for the cure or relief of disease."

To this bill your committee addressed the following protest to the Commissioners, to which no reply has been made :

"1545 I ST. N.W.,  
WASHINGTON CITY, February, 1895.

"*Hon. Commissioners of the District of Columbia.*

"GENTLEMEN: I am instructed by the Committee on Legislation of the Medical Society of the D. C. to communicate to your honorable board the objections of said committee to several provisions of the bill known as the 'Commissioners' bill,' and entitled 'A bill to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia.'

"The committee of the Medical Society suggests that Sec. 1 be so amended that not more than two of the board of medical supervisors shall be appointed from either of the three systems of medicine recognized in the bill, so that it will be impossible for either of these systems of medicine to acquire a majority of said board of medical supervisors.

"The committee recommends the omission of all of Sec. 3 after the word 'surgery,' in line 30. This clause provides for the licensing of any applicant intending to practice in the District of Columbia any system of medicine or treatment other than the regular or homœopathic or eclectic system," and is objectionable not only because it is an invitation to the horde of charlatans, pretenders, and impostors driven from the States by the enforcement of medical practice laws which prevent the prosecution of their nefarious and mercenary impositions to settle in this District, now the common rendezvous of such disreputable classes, but it is a direct and positive insult to every in-

telligent and educated physician in that it ignores all and every method and system of preliminary and technical education, and is in direct conflict with the reforms and elevated standard of medical education which the profession is putting in active operation throughout the country. There is now in this city one system, claiming to have a charter obtained under the provisions of the general incorporation law, with one emeritus professor and one graduate, who signed the certificate of his own graduation. Under the clause referred to, unlike systems but similar institutions may be chartered at the will of any drug or medicine fiend, and be entitled to a license to practice the science of medicine in this District.

"The same clause of Sec. 3, lines 45 to 47, compels such applicant, when licensed, to insert 'in any advertisement he may cause to be displayed the designation of the system of medicine or treatment employed by him for the cure and relief of disease.' Thus not only is the fraud to be licensed, but, when licensed, he is required to commit a fraud upon the credulous public by advertising to do that which he knows he cannot do.

"The third objection to the 'Commissioners' bill' refers to the omission of any provision prohibiting 'publicly advertising ability to treat and cure diseases,' as is usual in medical practice laws. Such a prohibition would banish from this District every such disreputable pretender and protect this community from that class of frauds and impostors driven from the States and Territories. It is idle to claim that such result can be accomplished by the enforcement of the rules, regulations, and codes of medical ethics, when only such persons can be made amenable to such rules and codes as may have acquired membership in ethical organizations. The advertising charlatan has no code but that of fraud and criminal deception.

"The Medical Society of the D. C. is willing to accept any one of the forty-one medical practice laws now in force in the States and Territories of the country, except the Alabama law, to which it objects because of a provision somewhat similar to the objectionable clause in Sec. 3 of the 'Commissioners' bill,' but which is more securely

guarded, because of the supervision of the State Medical Society.

"The committee, therefore, requests the Board of Commissioners to so modify the bill S. 2685, known as the 'Commissioners' bill,' that it may give to it its unqualified support.

"I have the honor to be,

"Your obedient servant,

"SAMUEL C. BUSEY, M. D.,

*"Chairman of Committee of the Medical*

*"Society of the District of Columbia."*

At a second hearing by the House Committee on the D. C., at which was considered the Commissioners' bill and the substitute bill (S. 2645) of the Homœopathic Medical Society, there were present representatives of the three chartered Medical Societies, the Physio-Medical school, White Cross University of Science and the Vivopathic system, and some individuals with grievances in general. The Physio-Medical school set forth with loud and vehement clamor its super-excellent and even transcendent powers and attributes that would "eventually conquer the world of medical science," and asserted with convulsive triumph that its devotees "did not carry their diplomas on paper, but in their heads." The White Cross University and Vivopathic system was opposed to any proposition to "establish a medical monopoly," because it "did not need much teaching," citing in proof thereof the fact that "the university had granted but one diploma" and that "to one who came with a diploma from the eclectic school." Altogether, this discussion proved more entertaining than instructive, but was, nevertheless, convincing of the necessity of additional legislation.

In consequence of the opposition to the Commissioners' bill, which no one would accept as a whole, and was only accepted in part by your committee, the Homœopathic

substitute bill assumed greater importance as the basis of adjustment of the differences between that and this Society, and would probably have been adopted by the House Committee but for the opposition of your committee to several of its provisions. The committee in charge of it made sundry important concessions, and manifested such spirit of conciliation that an agreement seemed to be within actual possession. Your committee, however, after more deliberate consideration, directed the following communication to be sent to the committee of the Homœopathic Medical Society:

"1545 I STREET N.W.,  
"WASHINGTON, D. C., *February 7, 1895.*

"DEAR DR. CUSTIS: I am directed by the committee of the Medical Society of the D. C. to inform you that it cannot accept your bill, even with the amendments which you propose. The main objections to the bill are:

"*First.* It does not establish a uniform standard of qualification.

"*Second.* There is no or inadequate supervision of the acts of the separate examining boards.

"*Third.* That any two of the examining committee can license any applicant however deficient his qualifications may be.

"I am instructed, furthermore, to inform you that the committee will urge the Commissioners' bill, but will seek to amend it by striking out the clause inviting other and new systems to apply for license; by inserting a provision against the advertising charlatan; and, lastly, by limiting the appointment of the board of supervisors, so that not more than two can be of the same school of medicine.

"I have the honor to be,

"Your obedient servant,

"SAMUEL C. BUSEY, M. D.,

"*Chairman of Committee of the  
Medical Society of the D. C.*"

This communication concluded the conferences and correspondence. Three days later I was directed to address the following communication to the Senate Committee on the District of Columbia :

" 1545 I STREET N.W.,  
" WASHINGTON, D. C., *February* 10, 1895.

" Senator ISHAM G. HARRIS,  
" *Chairman, Committee D. C.*

" DEAR SIR : I am instructed by the committee of the Medical Society of the D. C. to inform the committee of the Senate on the District of Columbia that it is opposed to the passage of any of the bills now pending to regulate the practice of medicine in the D. C., because of their failure to secure a uniform standard of medical education, and to prevent discrimination in favor of or against individuals.

" I am instructed, also, to state that the Medical Society of the D. C. is willing to accept any of the medical practice laws in operation in the States and Territories, except that of the State of Alabama.

" The committee begs that the Senate committee will grant it an opportunity to be heard before it concludes its consideration of the subject.

" I have the honor to be,

" Your obedient servant,

" SAMUEL C. BUSEY, M. D.,  
" *Chairman Committee of Medical Society, D. C.*"

A few days after, I was verbally informed that the Senate committee had, for the want of time, declined to consider the subject during the session.

The foregoing history points to the following conclusions :

1st. No bill containing the clause in the Commissioners' bill relating to other and new systems will be satisfactory either to this or the Homœopathic Medical Society, and cannot become a law without their concurrence,

2d. No bill can become a law that is not satisfactory to both of these Medical Societies.

3d. No bill can become a law without the assent and support of the Homœopathic Medical Society.

4th. No law will be adequate or effective that does not annul the extraordinary powers and privileges granted the Eclectic Medical Society.

5th. Constant vigilance on the part of this Society may be imperative to prevent the passage of some law relating to the practice of medicine in this D. C. more objectionable than the charter of the Eclectic Medical Society.

With these facts and conclusions before you, what course will this Society pursue? Will you abandon the issue and leave the field of your labors to charlatanry, imposition, and fraud, or will you follow the example set by the medical fraternity in forty-one States and Territories? You made the issue, and every consideration of duty to yourselves and to this community commands its prosecution to a final and satisfactory conclusion. Seventy-seven years ago twenty-one qualified physicians, animated by the courage of their convictions and the obligations of imperative duty, united in an organization to protect the citizens of the District of Columbia from the wrongs and injuries perpetrated by the horde of charlatans and pretenders that had flocked here like vultures to prey upon the innocent and credulous sick and suffering. Now that the evils and atrocities have been multiplied to the utmost limit of wrong, injury, and crime, will you, with an organization far greater in number and power, do less? In forty-one States and Territories public opinion, the welfare of society, and unanimity of medical opinion have compelled the legislatures to guarantee by statute law the protection which, because of such protective legislation, is all the more needed by this community, that the perpetration

of such wrongs and injuries may, at least, be limited to such agencies and instrumentalities as may have acquired vested rights in ignorance, deception, and fraud.

There are in this District five medical schools and several medical societies chartered by acts of Congress, or under the provisions of the general incorporation law, authorized and empowered to license persons to practice the art and science of medicine, without a uniform and even without any standard of qualification beyond the ability and willingness of the licentiate to pay the required fees, or give promissory notes for the payment of the same; and under the provision of the general incorporation law any dozen citizens may obtain a charter, upon the payment of the fee for the record of the same, authorizing them, as a body corporate, to confer the degree of M. D. at their pleasure and will. To these must be added the system of voodoo medicine, with its shocking sorceries and incantations, the Physio-medical system of intuitive medicine, with its supernatural attributes, and the White Cross University and Vivopathic system, boasting of "little teaching" as the only necessary qualification of its graduates.

If such data are not sufficient incentive to unite you in some common effort to correct abuses and establish a higher and uniform standard of medical education, then examine the records of the "examining boards" in the States where medical practice laws are in force. I will only cite that of the "Board of Medical Examiners" of Virginia, from the date of its organization, January 1, 1885, to October, 1895; during which period it rejected, on first examinations, two hundred and sixty-nine out of nine hundred and eighteen applicants for license, or 29.30 per centum of graduates of seventy-five medical schools, including some of the highest repute, located, with three



exceptions, in eighteen States and Territories of this country.

Of the six New England States, Maine, Massachusetts, and New Hampshire have no legal requirement for the practice of medicine.

*First class.* In Alabama, Arkansas, Florida, Maryland, Minnesota, Mississippi, New Jersey, New York, North Carolina, North Dakota, Pennsylvania, South Dakota, Rhode Island, Texas, Utah, Virginia, and Washington, the diploma confers no right to practice and has no legal value, except, in some cases, to give its possessor standing before an examining board. The right to practice in each of these seventeen States is determined by examinations before boards of examiners enacted by law.

*Second class.* In California, Colorado, Connecticut, Delaware, Illinois, Iowa, Kentucky, Louisiana, Missouri, Montana, Nebraska, New Mexico, Oklahoma, Oregon, Tennessee, Vermont, and West Virginia, the diploma is subject to the supervision of some designated body vested by law with authority to determine its validity as evidence of its possessor's qualification for the practice of medicine. Failing the possession of such recognized diplomas, the right to practice may be acquired by passing a satisfactory examination.

*Third class.* In Arizona, Georgia, Idaho, Indiana, Kansas, Michigan, Nevada, Ohio,\* South Carolina, Wisconsin,

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\* An unanswered letter:—

H. N. TEETERS, D. D. S., M. D.,  
SPECIALIST  
In Fine Gold Mallet Fillings, Gold Crowns  
and Bridge Work.  
Teeth Extracted Without Pain.  
And New Ones Inserted in Five Minutes.  
Office 151 Main Street.  
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DRUGGIST.  
Squibs & Powers and Weightman's Goods  
Always on Hand.  
Prescriptions Carefully Compounded.  
No. 153 Main Street.  
Open Day and Night.

MONONGAHELA, PA., Nov 1st 1895

SEC DISTRICT MEDICINE SOCIETY,  
Washington D C

DEAR DR

What is the Fee for Certificate of Medicine Society to Practice Med.

and Wyoming, the presentation of any kind of a diploma, provided only that it be from a "chartered" medical institution, is sufficient in law for county clerks, clerks of courts, registrars of deeds, and similarly qualified judges of medical fitness to admit to practice.—*Jour. Amer. Med. Ass.*, *March 10, 1894.*

It thus appears that in the first class the restrictive legislation is complete and sufficient to protect the communities in the respective States from ignorance and charlatanry. In the second class, with competent and efficient boards of examiners, the protection can only be partially satisfactory, but is far preferable to the loose and illy constructed laws in operation in the third class of States.

With the view of renewing the negotiations to effect some agreement with the Homœopathic Medical Society, I wrote, October 21st, to Dr. I. B. Gregg Custis, to which his reply is as follows :

"NOVEMBER 1, 1895.

"DEAR DR. BUSEY: Your esteemed favor of October 21st duly received.

"Nothing would give the Homœopathic Medical Society greater pleasure than that it should be able to agree with the Society you so ably represent on a bill to be presented to Congress, and one which the two associations could make a common cause. We had intended to introduce a bill similar to that introduced by Senator Teller in the last Congress, known as Senate bill No. 2645, a copy of which I enclose.

---

icine in D C Can I go before a Notary Public here and make Affidavit as to Qualification and forward to you with Fee and secure the Certificate Without being Present

I am at Present Practicing Medicine and Dentistry in Steubenville Ohio and Am thinking of Moving to D C

Please let Me hear from You as soon as Possible

Yours Respt

H. N. TEETERS M D, D D S

417 Dock Street  
Steubenville Ohio

"You will remember that after some consultation, and in deference to your wishes, we accepted several amendments to that bill, which we will gladly embody in the new one. The amendments are as follows :

"1. After the word 'Columbia,' in Section 1, line 6, strike out the paragraph beginning, 'The members of one board,' down to the word 'The,' in line 9, same section, and insert in lieu thereof the words 'one board shall be composed of five physicians in good standing, adherents of the 'regular' school of practice.'

"We would much prefer to have the five selected from members of the Medical Society. If it is possible, and we are not misinformed as to the standing of the Medical Association of the District of Columbia, we would suggest as a substitute for the above amendment: One board shall be composed of five physicians in good standing, members of the Medical Association of the District of Columbia. I believe that this removes the objection made by graduates of Howard University, as they are eligible for membership in that body.

"2. After the word 'licenses,' Section 4, line 5, insert 'no questions except such as have been approved by a majority of said committee shall be used in any examination.'

"I will state here that we must insist upon equal representation on the Committee on Examinations. You will remember that the Commissioners, at the suggestion of the Health Officer, proposed that a committee be composed of five members, two of whom should not be members of the boards, and that we objected, which objection we will have to maintain, unless it be stated that the remaining members be government officials and not physicians.

"3. Section 6, line 22, after the word 'Columbia,' insert 'when any set of examination papers has been finally acted upon, it shall be filed in the Health Office of the District of Columbia, subject to the inspection of the Examining Committee or any member thereof.'

"4. Section 7, line 9, strike out all after the word 'turpitude,' down to the word 'In,' line 10, same section.

"The last two amendments were made, I believe, to meet the objections of some of the District Committee.

"Our committee will be glad to receive and give careful attention to any suggestions that may please you to make.

" Hoping that for the good of the city and welfare of its citizens our efforts before Congress may meet with success, I am,

" Very truly yours,

" J. B. GREGG CUSTIS,

" *Chairman.*

" S. C. BUSEY, M. D.,

" *President Medical Society of the  
District of Columbia, City.*"

The committee met November 7th, and, after consideration of the subject, unanimously agreed to present to Congress the bill S. 325, entitled "A bill to regulate the practice of medicine in the District of Columbia" (see Appendix, p. 51), a copy of which was mailed to Dr. Custis November 28, 1895, to which his reply is as follows :

" WASHINGTON, D. C., *November 30, 1895.*

" S. C. BUSEY, M. D.,

" *Chairman Committee of Medical Legislation, Medical Society of the District of Columbia.*

" DEAR SIR: It gives me great pleasure to announce the approval of our committee to the bill as forwarded to me this day by Dr. Woodward, and to pledge our support of the same without alteration or amendment.

" Expressing the hope that our united efforts may secure its early enactment as a law, I am

" Yours most respectfully,

" J. B. GREGG CUSTIS,

" *Chairman of Committee.*"

I am, therefore, authorized to announce to you a satisfactory conclusion of these negotiations, and the very favorable prospects of adequate legislation in the near future that will, at least in some measure, mitigate the evils of which we complain, and offer protection to this community from the influx of charlatans and impostors, and,

moreover, the prospective advance in the higher education of medical men (see Senate bill 325, first session, 54th Congress).

This bill has been approved by the Commissioners of the D. C., and forwarded to the Senate, with their recommendation.

#### SOCIETY PUBLICATION OF ITS TRANSACTIONS.

The first attempt of this Society to publish its transactions was in the form of a quarterly bulletin of twenty-four pages in accordance with the following schedule :

"At a regular meeting of the Society, held November 12, 1873, Dr. S. C. Busey offered the following resolution, which was adopted :

"*Resolved*, That the Committee on Essays be, and are hereby, requested to inquire into the expediency and expense of publishing a bulletin of the debates before the Society, and to report in writing, with such recommendations as may be deemed proper."

November 19, 1873 :

"The Committee on Essays, which was requested by a resolution passed at the last meeting to inquire into the expediency and expense of publishing a bulletin of the debates before the Society, &c., beg to make the following report :

"1st. The committee believe it would be eminently proper and expedient for the Society to publish reports of its proceedings. Such a course, they conceive, would enhance the usefulness of the Society, stimulate its members to present better papers and essays, and tend to improve the scientific character of its debates.

"2d. The committee recommend that the material selected for publication shall be confined to the following several heads :

"(a) Original theories or synopsis of papers containing such theories.

"(b) Original modes of practice.

"(c) Cases testing modes of practice still *sub judice*.

"(d) Cases deserving of record from their being curious or rare

"(e) New facts, experiments, or discoveries appertaining to medicine and its allied sciences.

"(f) Such parts of debates as it may be deemed by this committee would, if published, be of general interest to the profession at large, or tend to promote the advancement of medical science.

"3. The committee recommend that the published report or bulletin be issued quarterly, and that it shall bear on its title-page the words 'Transactions of the Medical Society of the District of Columbia.'

"4th. The committee, on inquiry, find the expense of publication in pamphlet form, octavo page of 48 lines, solid print, and without cover, will be for 12 pages (500 copies) twenty-five dollars per quarter; for twenty-four pages (500 copies) fifty dollars (\$50) per quarter; or, respectively, one hundred or two hundred dollars per year.

"5th. The committee recommend that a pamphlet of twenty-four pages, the number of copies 500, be printed quarterly, and that an appropriation of fifty dollars per quarter from the treasury of the Society be applied to the payment of the expense incurred.

"B. THOMPSON, M. D.,

"A. F. A. KING, M. D.,

"CHAS. E. HAGNER, M. D.,

"Committee."

The issue of these quarterly bulletins commenced in April, 1874, and ceased in May, 1877, with the completion of Volume IV of the Transactions of the Medical Society of the D. C. Subsequently an arrangement was made with the Maryland Medical Journal, and later with the Journal of the American Medical Association, for the publication of its transactions, which proved so unsatis-

factory it was discontinued. Several years ago an agreement was perfected with the National Medical Review for the publication of an abstract of the discussions, which continues in operation to date.

It is not my purpose to interfere with the existing arrangement, beyond the statement that it is inadequate and unsatisfactory. This Society is quite up to the highest standard of similar organizations in attendance, capacity, and activity, but lacks means and opportunity to establish its reputation before the profession at large. The publication of individual contributions in medical journals, selected by personal preference, with the footnote accrediting its presentation to this Society, is not objectionable, and tends to extend the reputation of their authors, but adds but little, if any, to the standing of this Society. This privilege should not be abridged or discontinued. The ownership of the essay, and right of publication when and in such manner as he pleases, should belong to the author. The Society could not hold the exclusive right of priority of publication of the essays read before it without great injustice to the authors. The delay in the preparation and publication of a society bulletin or volume of transactions would prove a serious obstacle to the presentation of papers of immediate, original, and scientific value, and necessarily exclude such from the current proceedings.

I disclaim any purpose to interfere with or to restrict the rights and privileges of authors, and am equally averse to the erection of any hindrance to the attainment and promotion of individual reputations. I do, however, hold and seek to enforce the conclusion that the higher and more widely disseminated the scientific character and standing of this Society, the more accentuated and distinctive its membership. The world of science

recognizes membership in some one or more of many scientific organizations as the badge of honor, capacity, and achievement. Such I would make membership of this Society. The graduates of the University of Pennsylvania passed, on first examinations during the past ten years, without a single failure, the Medical Examining Board of Virginia. Who, then, will deny to such graduates the honor of the affix of the university to their degrees of M. D.? This is only one, but a significant citation. Many others might be attested. The qualification and capacity of her graduates were proven, but the individual success was no higher than the honor of every other successful applicant on first examination. The uniform success of all was, however, a distinction of which their Alma Mater can boast. So, likewise, may each one of a score of essayists successfully pass the crucible of current criticism, and receive the commendation of his peers, but it is the publication of the essays in some concrete and permanent form that will establish and maintain the reputation of the society which honors the authors with membership. I concede the high distinction to which many of you have attained, and bear testimony to the merit of your contributions to medical literature and science, but I also plead for that reciprocal impetus to higher distinction which can only be developed by the combination of individual and organized effort.

During the two years past of my presidency there have been read before this Society many papers that would have added to the reputation of any medical society in this country, but their permanent value, except to the few, has been frittered away in the mass of current journal literature. What has established the world-wide and enduring reputations of the London Obstetrical Society, the American Gynecological Society, the Association of



American Physicians, and many other equally renowned societies? The student, scholar, and investigator seeks facts, not men. He does not go to the biographies and autobiographical sketches of the cyclopedias of distinguished physicians, but turns the pages of the volume of transactions in search of the information and instruction desired.

In this connection I recall your attention to the essays read, and the discussion thereon, in this Society in the past two years, on Tuberculosis, Typhoid Fever, Hydrophobia, and Diphtheria, which were far in advance of any similar consideration of those subjects by any medical society in this country, and yet their value as society investigations has been so completely frittered away that the members cannot revive their recollections by referring to their publication.

Some, perhaps many of you, will think that I have undertaken an enterprise more fanciful than practical. My reliance upon my knowledge of human nature, which I have gleaned from personal association with and observation of medical men, has brought me to the conclusion that a majority of men of reputation seek to record the evidence of their success and achievements in some permanent form. And even those who pursue the profession for a mere livelihood or gain are not without hope that their better qualities and good deeds may not be hopelessly forgotten.

I believe, with the committee of 1873, that a Society publication, preferably an annual volume of transactions, without infringement or abridgment of the private rights and ownership of authors, would "enhance the usefulness of the Society, stimulate its members to present better papers and essays, and tend to improve the scientific character of its debates." And, moreover, that the con-

tinuous publication to date of the bulletin of 1873-'77 would have added immeasurably to the standing of this Society in the profession at large.

The single objection of expense, I hope, will not be worthy of consideration by a society of two hundred and seventy-seven active members, that adds annually to its surplus on an assessment of three dollars per capita.

In conclusion, I avail myself of this occasion to record, in this formal manner, the expression of gratitude to this Society for the sympathy and good wishes set forth in the resolutions of April 10, 1895. This memorial, together with the individual testimonials of sympathy from one hundred and more members of this Society, have been filed among the archives of my professional life, in grateful remembrance of that good-will and prompt significance of those qualities of Christian sympathy which move the great brotherhood of medicine to the noblest deeds of benevolence and tender kindness of heart. If I could measure the pleasure and consolation those outpourings of "the milk of human kindness" brought to the victim of inexcusable and culpable negligence during the hours and days of acute suffering, my words would emphasize that sublime ideal of gratitude which can be felt but cannot be spoken.

From others, many times greater in number, from amongst the great mass of good people, came also tokens in various forms of manifest sympathy, in evidence of the fact that humanity grows richer in the ennobling qualities of the mind and heart with the progress of Christianity and civilization.

Then, too, this Society should invoke the continued blessing of Providence, that has restored, with but one death during the year, so many members to health and usefulness, who have been afflicted with sickness, well nigh to the utmost limit of human endurance.

## APPENDIX.

---

AN ACT to incorporate the Washington Homeopathic Medical Society.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That Tullio S. Verdi, Gustave W. Pope, C. W. Sonnenschmidt, E. S. Kimball, and Jehu Brainerd, and their associates and successors, physicians, be, and they hereby are, made a corporation by the name of the Washington Homeopathic Medical Society, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions set forth in this act.

SEC. 2. *And be it further enacted,* That said corporation may hold real and personal estate to the amount of twenty thousand dollars.

SEC. 3. *And be it further enacted,* That the members of said society, or such of their officers or members, [as they shall appoint], shall have the power to practice medicine and surgery and collect their fees within the District of Columbia.

SEC. 4. *And be it further enacted,* That the members of said society, or such of their officers or members as they shall appoint, shall have full power and authority to examine all candidates for membership concerning the practice of specific medicine and surgery, provided said candidates shall sustain a good moral character, and shall present letters testimonial of their qualifications from some legally authorized medical institution; and if, upon such examination, the same candidates, without exception on account of color, shall be found qualified for the practice of medicine and surgery, they shall receive the certificate of membership or the license to practice medicine or surgery within the District of Columbia.

SEC. 5. *And be it further enacted,* That any acts or parts of acts conflicting with the provisions of this act be, and are hereby, repealed.

Approved, April 22, 1870.

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AN ACT to incorporate the Eclectic Medical Society of the District of Columbia.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That T. A. Bland, August P. Lighthill, W. S. Bevier, Magnus L. Julihn, M. Cora Bland, J. A. Rowland, and Marie Taylor, and their associates and successors, physicians, be, and they hereby are, made a corporation by the name of the Eclectic Medical Society of the District of Columbia, with all the powers and privileges, and subject to all the duties, liabilities, and restrictions set forth in this act.

SEC. 2. That the said corporation may hold real and personal estate to the amount of twenty thousand dollars.

SEC. 3. That the said Eclectic Medical Society is hereby empowered, from time to time, to make such by-laws, rules, and regulations as they may find necessary, and do and perform such other things as may be requisite for carrying this act into effect, and which may not be repugnant to the Constitution and laws of the United States.

SEC. 4. That the said Eclectic Medical Society of the District of Columbia is hereby endowed with all the rights, privileges, and immunities that appertain to other medical societies of the District of Columbia.

SEC. 5. That all acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved, February 18, 1893.

AN ACT to regulate the sale of milk in the District of Columbia, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the passage of this act no person shall, within the District of Columbia, keep or maintain a dairy or dairy farm without a permit so to do from the health officer of said District; application for said permit shall be made in writing, upon a form prescribed by said health officer: *Provided,* That no applicant for said permit shall be restrained from conducting business until said application has been acted upon by the health officer of the District of Columbia or his duly appointed agent. It shall be the duty of said health officer, upon receipt of said application in due form, to make or cause to be made an examination of the premises which it is intended to use in the maintenance of said dairy or dairy farm; if after such examination said premises are found to conform to the regulations governing dairies and dairy farms within the District of Columbia, said health officer shall issue the permit hereinbefore specified, without charge: *Provided,* That said permit may be suspended or revoked at any time, without notice, by said health officer whenever the milk supply from said dairy or dairy farm is exposed to infection by Asiatic cholera, anthrax, diphtheria, erysipelas, scarlet fever, small-pox, splenic fever, tuberculosis, typhoid fever, typhus fever, or yellow fever, so as to render its distribution dangerous to public health.

SEC. 2. That no person shall bring or send into the District of Columbia for sale any milk without a permit so to do from the health officer of said District; application for said permit shall be made in writing, upon a form prescribed by said health officer, and shall be accompanied by such detailed description of the dairy farm or dairy where said milk is produced or stored as said health officer may require, and by a sworn statement as to the physical condition of the cattle supplying said milk: *Provided,* That no applicant for said permit shall be restrained from conducting business until said application has been acted upon by the health officer of the District of Columbia or his duly appointed agent. If after examination of said application said health officer is satisfied that said milk will be brought into the District of Columbia for sale or consumption without danger to public health, he shall issue, without charge to the applicant, a permit so to do, on condition that none but pure and unadulterated milk shall be, with knowledge of its impurity, brought into said District; that in the management of said dairy or dairy farm said applicant shall be governed by the regulations of the health office of the District of Columbia, approved by the Commissioners of the District of Columbia, issued for dairies and dairy farms in said District, when said regulations do not conflict with the law of the State in which said dairy or dairy farm is located, and that said dairy or dairy farm may be inspected at any time without notice by the health officer of the District of Columbia or his duly appointed representative: *Provided,* That said

permit may be suspended or revoked at any time without notice by said health officer whenever the milk supply from said dairy or dairy farm is exposed to infection by Asiatic cholera, anthrax, diphtheria, erysipelas, scarlet fever, small-pox, splenic fever, tuberculosis, typhoid fever, typhus fever, or yellow fever, so as to render its distribution dangerous to public health.

SEC. 3. That no person suffering from, or who has knowingly, within a period specified by the health officer of the District of Columbia, been exposed to diphtheria, scarlet fever, erysipelas, small-pox, anthrax, or other dangerous contagious disease, shall work or assist in or about any dairy or dairy farm; no proprietor, manager, or superintendent of any dairy or dairy farm within the District of Columbia shall knowingly permit any person suffering, or exposed as aforesaid, to work or assist in or about said dairy or dairy farm.

SEC. 4. That all milk wagons shall have the name of the owner, the number of permit, and the location of dairy from which said wagons haul milk, painted thereon plainly and legibly.

SEC. 5. That all grocers, bakers, and other persons having or offering for sale milk shall at all times keep the name or names of the dairymen from whom the milk on sale shall have been obtained posted up in a conspicuous place wherever such milk may be sold or kept for sale.

SEC. 6. That no person shall offer or have for sale in the District of Columbia any unwholesome, watered, or adulterated milk, or milk known as swill milk, or milk from cows that are fed on swill, garbage, or other like substance, nor any butter or cheese made from any such milk.

SEC. 7. That no person shall knowingly offer or have for sale any milk containing more than eighty-eight per cent of watery fluid and less than twelve per cent of total milk solids, of which at least three per cent shall be of fat.

SEC. 8. That no person shall sell, exchange, or deliver, or have in his custody or possession with intent to sell, exchange, or deliver, skimmed milk containing less than nine and three-tenths per cent of milk solids, inclusive of fat.

SEC. 9. That no dealer in milk, and no servant or agent of such a dealer, shall sell, exchange, or deliver, or have in his custody or possession with intent to sell, exchange, or deliver, milk from which the cream, or any part thereof, has been removed, unless in a conspicuous place, above the center or upon the outside of every vessel, can, or package thereof, in which milk is sold, the words "skimmed milk" are distinctly marked in gothic letters, not less than one inch in length.

SEC. 10. That it shall not be lawful for any person or persons to sell or offer for sale, within the District of Columbia, milk taken from any cow less than fifteen days before or ten days after parturition, or from any cow which is known to be suffering from tuberculosis, splenic fever, anthrax, or any general or local disease which is liable to render the milk from said cow unwholesome.

SEC. 11. That it shall be the duty of the health officer of the District of Columbia, under direction of the Commissioners of said District, to make and enforce regulations to secure proper water supply, drainage, ventilation, air space, floor space, and cleaning of all dairies and dairy farms within said District; to secure the isolation of cattle suffering from any contagious disease, and to carry into effect the provisions of this act.

SEC. 12. That the health officer of the District of Columbia, or his duly appointed assistants, shall have the right to enter without previous notice,

for the purpose of inspection, any dairy or dairy farm within said District.

SEC. 13. That in all cases of sampling, in the District of Columbia, milk taken for analysis shall be taken, examined, and analyzed in the presence of at least two witnesses, one of whom may be the owner of the milk or his agent; and in all cases such sampling shall be made according to the Babcock method, to wit, dumping the milk from one can to another not less than twice before sampling.

SEC. 14. That prosecutions under this act shall be in the police court of said District, on information signed by the attorney of the District or one of his assistants, and any person or persons violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished for the first offense by a fine of not less than five dollars nor more than twenty-five dollars, to be collected as other fines and penalties, or by imprisonment in the workhouse for a period of not more than thirty days, and for the second offense and each subsequent offense, by a fine of not less than fifty dollars nor more than one hundred dollars, or by imprisonment in the workhouse for ninety days, or by both such fine and imprisonment, in the discretion of the court, and if the person so convicted of a second or subsequent offense hold a permit under this Act, the same shall be canceled and no permit shall be issued to said person for a period of six months: *Provided*, That any person or persons under this Act shall have the privilege, when demanded, of a trial by jury as in other jury cases in the police court.

SEC. 15. That all laws and parts of laws inconsistent with the foregoing be, and the same are hereby, repealed.

Approved, March 2, 1895.

53<sup>D</sup> CONGRESS,  
2<sup>D</sup> SESSION.

## H. R. 7661.

### IN THE HOUSE OF REPRESENTATIVES

JULY 7, 1894.

Referred to the Committee on the District of Columbia and ordered to be printed.

Mr. McMILLIN (by request) introduced the following bill:

### A BILL

To regulate the practice of medicine and surgery and to license physicians and surgeons in the District of Columbia, and for other purposes.

Whereas because of the absence of a law to ascertain the qualification of individuals desiring to practice medicine and surgery in the District of Columbia it is made a resort of persons who are excluded from the practice of medicine and surgery in other States by laws in said States requiring evidence of such qualifications: Therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the Commissioners of the District of Columbia shall appoint a board of examiners which shall be known as the Board of Medical Examiners of the District of Columbia; said board shall consist of nine members, five members to be selected from a list of not less than ten names submitted by a majority vote at

some regular meeting of the Medical Society of the District of Columbia, three members to be selected from a list of not less than six names submitted by a majority vote at some regular meeting of the Washington Homeopathic Medical Society, and one member to be selected from a list of not less than two names submitted by a majority vote at some regular meeting of the Eclectic Medical Society of the District of Columbia. Of the members of the board first appointed three shall be appointed for one year, three shall be appointed for two years, and three shall be appointed for three years, and thereafter each member of said board shall be appointed for a term of three years, or until his successor is appointed: *Provided*, That no member of said board shall serve more than two terms in succession, and that no member of said board shall have been engaged in the practice of medicine and surgery in the District of Columbia for less than ten years at the time of his appointment: *And provided further*, That the Commissioners of the District of Columbia may at any time remove any member of said board, upon petition by the medical society by which such member was first nominated, and that in the case of the death, resignation, or removal of any member, the vacancy for the unexpired term of said member shall be filled in the same manner as other appointments are made.

SEC. 2. That each member of said board of medical examiners of the District of Columbia shall, before entering upon the discharge of his duties, take an oath to administer fairly and impartially the provisions of this Act; said board shall elect a president, a vice-president, a secretary, and a treasurer; it shall have a common seal, and the secretary shall be empowered to administer oaths in taking testimony upon any matter pertaining to the duties of said board; said board shall hold meetings for examination in the city of Washington on the second Thursday in January, April, July, and October of each year and continuing so long as may be necessary to examine all applicants, and at such other times as a majority of the board may deem expedient; said board shall keep an official record of all its meetings, also an official register of all applicants for examination for a license to practice medicine and surgery in the District of Columbia; said register shall show the name, age, and place, and duration of residence of each candidate, the time he or she has spent in medical study, in or out of medical school, and the names and locations of all medical schools which have granted said applicant any degree or certificate of attendance upon lectures in medicine, and shall show the school of medicine which the applicant desires to practice; said register shall also show whether such applicant was rejected or licensed under this Act; said register shall be prima facie evidence of all matters contained therein. It shall be the duty of the secretary of said board to mail to the address of each applicant a notice of the time and place of examination; said notice shall be mailed not less than seven days before the examination, and at a longer period, if requested by the applicant at the time of making application; said board shall make such rules and regulations as they may deem necessary to carry into effect the provisions of this Act; said rules and regulations, when approved by the Commissioners of the District of Columbia, shall have full force and effect of law: *Provided*, That said board may elect a secretary from other than its own members, and when so elected said secretary may be removed at any time by a majority vote of said board.

SEC. 3. That from and after the passage of this Act all persons desiring to practice medicine and surgery in any of their branches in the District of Columbia shall apply to the said board of medical examiners for a

license so to do; applicants shall submit to examination upon the following-named branches, to wit: Anatomy, physiology, chemistry, pathology, materia medica and therapeutics, hygiene, histology, practice of medicine, surgery, obstetrics and gynecology, diseases of the eye and ear, medical jurisprudence, and such other branches as the board may deem advisable; said board shall not examine any applicant until satisfactory proof is furnished that he is of good moral character and over twenty-one years of age, nor until he has presented a diploma conferring upon him the degree of doctor of medicine, issued by some medical college authorized by law to confer such degree: *Provided*, That said diploma, if issued prior to July first, eighteen hundred and ninety-seven, shall be accompanied by satisfactory evidence that said applicant has studied medicine and surgery for not less than three years prior to the issue thereof, and if issued subsequent to June thirtieth, eighteen hundred and ninety-seven, shall be accompanied by satisfactory evidence that the applicant has studied medicine and surgery for not less than four years prior to the issue of said diploma. All examinations shall be both theoretical and practical, and of sufficient severity to test a candidate's fitness to practice medicine and surgery.

SEC. 4. That each application for a license shall be made to the secretary of said board of medical examiners upon a form prescribed by said board and approved by the Commissioners of the District of Columbia, and shall be accompanied by a fee of twenty dollars. Each application shall be in the hands of the secretary of said board not less than two weeks before the day set for examination. Each application shall state the full name and address of each applicant, his or her age, the place and duration of residence of said applicant, the time he or she has spent in the study and practice of medicine in or out of medical schools and hospitals, the names and locations of all medical schools which have granted said applicant any degree or certificate of attendance upon lectures in medicine and surgery, the school of medicine which the applicant desires to practice, and such other information as the board may require; said information shall be furnished under oath. Any application may be rejected for refusal to furnish any of the information called for or for other irregularity. Each application shall be kept on file by the secretary of the board.

SEC. 5. That examinations shall be oral and in writing: In all examinations the questions must be, except in practice of medicine and in materia medica and therapeutics, such as should be answered in common by all schools of practice; and if the applicant intends to practice homoeopathy or eclecticism, the member or members of said board of the schools selected by him shall examine said applicant in practice of medicine and in materia medica and therapeutics. The votes of all examiners shall be "yes" or "no" for the respective branches, and written, with their signatures, upon the backs of the examination papers of each candidate; said examination papers shall be kept on file by the secretary of said board for five years, and shall be prima facie evidence of all matters contained therein.

SEC. 6. That if any applicant shall pass such examination as is hereinbefore provided for in a manner satisfactory to seven members of said board of medical examiners of the District of Columbia said board shall issue a license, signed by the president and the secretary thereof and attested by its seal, which shall entitle said applicant, after it has been registered as hereinafter provided, to practice medicine and surgery in the District of Columbia: *Provided*, That a license shall be issued with-



out examination to each physician a graduate of any medical college in good standing who is registered at the health office at the time of the passage of this Act. All licenses issued by said board shall be numbered consecutively, and a register shall be kept by the secretary showing the number of each license, the date of issue and to whom issued.

SEC. 7. That the board of medical examiners of the District of Columbia may by a vote of seven members refuse to grant or may revoke a license, or may cause the name of any person to be removed from the record of the supreme court of the District of Columbia and from the register of the health office, for the following causes, to wit: Chronic and persistent inebriety, the practice of criminal abortion, conviction of crime involving moral turpitude, or for publicly advertising ability to treat or cure diseases. In complaints under this section the accused shall be furnished with a copy of the complaint and be given a hearing before said board in person or by attorney. Said board may at any time within two years from the refusal or revocation of a license or the cancellation of registration under this section, by a unanimous vote, issue, without examination, a new license to the physician so affected restoring to him all the rights and privileges of other physicians licensed under this Act.

SEC. 8. That any person receiving a license as hereinbefore provided shall have it recorded in the office of the clerk of the supreme court of the District of Columbia within three months from the date of said license, and the date of record shall be indorsed thereon by said clerk; and the holder of the license shall pay to the recording clerk a fee of fifty cents for making the record. The holder of said license shall, after the same has been recorded, exhibit the same at the health office, and register, in a book provided for that purpose, his name and address. Whenever a license is revoked by said board the secretary thereof shall report that fact in writing to the clerk of record and to the health officer of the District of Columbia, who shall thereupon cancel such registration.

SEC. 9. That this Act shall not apply to commissioned surgeons of the United States Army, Navy, or Marine Hospital Service, nor to regularly licensed physicians and surgeons in actual consultation from other States or Territories; nor to regularly licensed physicians and surgeons actually called from other States or Territories to attend specified cases in the District of Columbia; nor to physicians graduates of medical colleges in good standing already on the register at the health office, who shall be required, without examination, to register their names with the supreme court of the District of Columbia and at the health office, and shall in other respects be subject to the rules and restrictions of this Act; nor to dentists in the legitimate exercise of their profession; nor to midwives, registered at the health office of the said District, in the management of uncomplicated cases of obstetrics; nor to the treatment of any case of actual emergency; nor to the use of ordinary domestic remedies without any fee, gift, or consideration of any kind being given in return therefor.

SEC. 10. That any person shall be regarded as practicing medicine and surgery within the meaning of this Act who shall append the letters M. D. or M. B. to his or her name, or who shall prescribe, advise, or apply, for the use of any person or persons, any drug or medicine or other agency, or who shall perform any operation for the treatment, cure, or relief of any bodily injury, infirmity, or disease, or who shall publicly profess to do any of these things.

SEC. 11. That from and after the passage of this Act any person prac-

ting medicine and surgery in the District of Columbia without having first obtained a license to so do and registered the same as herein provided or in violation of any of the provisions of this Act, or any of the rules and regulations made by authority conferred by section two thereof, or after his license, or registration, or both, has been canceled by order of the board of medical examiners of the District of Columbia, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished for each offense by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment in the District jail for a period of not less than ten nor more than ninety days, or by both such fine and imprisonment. It shall be the duty of the United States district attorney for the District of Columbia to prosecute all violations of the provisions of this Act.

SEC. 12. That the secretary of the board of examiners shall be paid for taking testimony the same fee that is allowed to an examiner in chancery for the same service. The expense of the said board and of the examinations shall be paid from the license fees herein provided for, and if any surplus remain on the thirtieth day of June of each year the same may be divided among the members of said board, pro rata to the number of examinations at which they have been present during the preceding year.

SEC. 13. That all Acts or parts of Acts, general or special, now existing not in accordance with the provisions of this Act, or inconsistent therewith, be, and are hereby, repealed.

53D CONGRESS,  
3D SESSION.

H. R. 8133.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 10, 1894.

Referred to the Committee on the District of Columbia and ordered to be printed.

Mr. HEARD (by request) introduced the following bill:

### A BILL

To regulate the practice of medicine and surgery, to license physicians, and so forth.

Whereas because of the absence of a law to ascertain the qualification of individuals desiring to practice medicine and surgery in the District of Columbia, it is made a resort of persons who are excluded from the practice of medicine and surgery in other States by laws in said States requiring evidence of such qualifications: Therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Commissioners of the District of Columbia shall appoint a board of examiners which shall be known as the board of medical examiners of the District of Columbia; said board shall consist of nine members to be selected from a list of not less than eighteen names submitted by a majority vote at some regular meeting of the Medical Society of the District of Columbia. Of the members of the board first appointed three shall be appointed for one year, three shall be appointed for two years, and three shall be appointed

for three years, and thereafter each member of said board shall be appointed for a term of three years, or until his successor is appointed: *Provided*, That no member of said board shall have been engaged in the practice of medicine and surgery in the District of Columbia for less than five years at the time of his appointment: *And provided further*, That the Commissioners of the District of Columbia may at any time remove any member of said board, upon petition by the Medical Society, and that in case of the death, resignation, or removal of any member the vacancy for the unexpired term of said member shall be filled in the same manner as other appointments are made.

SEC. 2. That each member of said board of medical examiners of the District of Columbia shall, before entering upon the discharge of his duties, take an oath to administer fairly and impartially the provisions of this Act; said board shall elect a president, a vice-president, a secretary, and a treasurer; it shall have a common seal, and the secretary shall be empowered to administer oaths in taking testimony upon any matter pertaining to the duties of said board; said board shall hold meetings for examination in the city of Washington on the second Thursday in January, April, July, and October of each year, and continuing so long as may be necessary to examine all applicants, and at such other times as a majority of the board may deem expedient; said board shall keep an official record of all its meetings, also an official register of all applicants for examination for a license to practice medicine and surgery in the District of Columbia; said register shall show the name, age and place, and duration of residence of each candidate, the time he or she has spent in medical study in or out of medical school, and the names and locations of all medical schools which have granted said applicant any degree or certificate of attendance upon lectures in medicine; said register shall also show whether such applicant was rejected or licensed under this Act; said register shall be prima facie evidence of all matters contained therein: it shall be the duty of the Secretary of said board to mail to the address of each applicant a notice of the time and place of examination; said notice shall be mailed not less than seven days before the examination, and at a longer period if requested by the applicant at the time of making application; said board shall make such rules and regulations as they may deem necessary to carry into effect the provisions of this Act; said rules and regulations, when approved by the Commissioners of the District of Columbia, shall have full force and effect of law: *Provided*, That said board may elect a secretary from other than its own members, and when so elected said secretary may be removed at any time by a majority vote of said board.

SEC. 3. That from and after the passage of this Act all persons desiring to practice medicine and surgery in any of their branches in the District of Columbia shall apply to the said board of medical examiners for a license so to do; applicants shall submit to examination upon the following named branches, to wit: Anatomy, physiology, chemistry, pathology, materia medica and therapeutics, hygiene, histology, practice of medicine, surgery, obstetrics and gynecology, diseases of the eye and the ear, medical jurisprudence, and such other branches as the board may deem advisable; said board shall not examine any applicant until satisfactory proof is furnished that he is of good moral character and over twenty-one years of age, nor until he has presented a diploma conferring upon him the degree of doctor of medicine, issued by some medical college authorized by law to confer such degree: *Provided*, That said diploma if issued prior to July first, eighteen hundred and ninety-

seven, shall be accompanied by satisfactory evidence that said applicant has studied medicine and surgery for not less than three years prior to the issue thereof, and if issued subsequent to June thirtieth, eighteen hundred and ninety-seven, shall be accompanied by satisfactory evidence that the applicant has studied medicine and surgery for not less than four years prior to the issue of said diploma. All examinations shall be both theoretical and practical, but of sufficient severity to test a candidate's fitness to practice medicine and surgery.

SEC. 4. That each application for a license shall be made to the secretary of said board of medical examiners upon a form prescribed by said board and approved by the Commissioners of the District of Columbia, and shall be accompanied by a fee of twenty dollars; each application shall be in the hands of the secretary of said board not less than two weeks before the day set for examination; each application shall state the full name and address of each applicant, his or her age, the place and duration of residence of said applicant, the time he or she has spent in the study and practice of medicine in or out of medical schools and hospitals, the names and locations of all medical schools which have granted said applicant any degree or certificate of attendance upon lectures in medicine and surgery, and such other information as the board may require; said information shall be furnished under oath; any application may be rejected for refusal to furnish any of the information called for, or for other irregularity; each application shall be kept on file by the secretary of the board.

SEC. 5. That examinations shall be oral and in writing; the votes of all examiners shall be "Yes" or "No" for the respective branches, and written with their signatures upon the backs of the examination papers of each candidate; said examination papers shall be kept on file by the secretary of said board for five years, and shall be prima facie evidence of all matters contained therein.

SEC. 6. That if any applicant shall pass such examination as is hereinbefore provided for in a manner satisfactory to seven members of said board of medical examiners of the District of Columbia, said board shall issue a license, signed by the president and the secretary thereof, and attested by its seal, which shall entitle said applicant, after it has been registered as hereinafter provided, to practice medicine and surgery in the District of Columbia: *Provided*, That a license shall be issued without examination to each physician a graduate of any medical college in good standing, who is registered at the health office at the time of the passage of this Act; all licenses issued by said board shall be numbered consecutively, and a register shall be kept by the secretary showing the number of each license, the date of issue, and to whom issued.

SEC. 7. That the board of medical examiners of the District of Columbia may, by a vote of seven members, refuse to grant or may revoke a license, or may cause the name of any person to be removed from the record of the supreme court of the District of Columbia and from the register of the health office, for the following causes, to wit: Chronic and persistent inebriety, the practice of criminal abortion, conviction of crime involving moral turpitude, or for publicly advertising ability to treat or cure diseases. In complaints under this section the accused shall be furnished with a copy of the complaint and be given a hearing before said board in person or by attorney. Said board may, at any time within two years from the refusal or revocation of a license, or the cancellation of registration under this section, by a unanimous vote, issue, without examination, a new license to the physician so affected,

restoring to him all the rights and privileges of other physicians licensed under this Act.

SEC. 8. That any person receiving a license as hereinbefore provided shall have it recorded in the office of the clerk of the supreme court of the District of Columbia within three months from the date of said license, and the date of record shall be indorsed thereon by said clerk; and the holder of the license shall pay to the recording clerk a fee of fifty cents for making the record; the holder of said license shall, after the same has been recorded, exhibit the same at the health office and register, in a book provided for that purpose, his name and address; whenever a license is revoked by said board the secretary thereof shall report that fact in writing to the clerk of record and to the health officer of the District of Columbia, who shall thereupon cancel such registration.

SEC. 9. That this Act shall not apply to commissioned surgeons of the United States Army, Navy, or Marine Hospital Service, nor to regularly licensed physicians and surgeons in actual consultation from other States or Territories, nor to regularly licensed physicians and surgeons actually called from other States or Territories to attend specified cases in the District of Columbia; nor to physicians, graduates of medical colleges, in good standing already on the register at the health office, who shall be required, without examination, to register their names with the supreme court of the District of Columbia and at the health office; and shall in all other respects be subject to the rules and restrictions of this Act; nor to dentists in the legitimate exercise of their profession; nor to midwives, registered at the health office of the said District, in the management of uncomplicated cases of obstetrics; nor to the treatment of any case of actual emergency; nor to the use of ordinary domestic remedies without any fee, gift, or consideration of any kind being given in return therefor.

SEC. 10. That any person shall be regarded as practicing medicine and surgery within the meaning of this Act who shall append the letters M. D. or M. B. to his or her name, or who shall prescribe, advise, or apply for the use of any person or persons, any drug or medicine, or other agency; or who shall perform any operation for the treatment, cure, or relief of any bodily injury, infirmity, or disease, or who shall publicly profess to do any of these things.

SEC. 11. That from and after the passage of this Act any person practicing medicine and surgery in the District of Columbia without having first obtained a license to so do and registered the same as herein provided, or in violation of any of the provisions of this Act, or any of the rules and regulations made by authority conferred by section two hereof, or after his license, or registration, or both, has been canceled by order of the board of medical examiners of the District of Columbia, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished for each offense by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment in the district jail for a period of not less than ten nor more than ninety days, or by both such fine and imprisonment; it shall be the duty of the United States district attorney for the District of Columbia to prosecute all violations of the provisions of this Act.

SEC. 12. That the secretary of the board of examiners shall be paid for taking testimony the same fee that is allowed to an examiner in chancery for the same service; the expense of the said board and of the examinations shall be paid from the license fees herein provided for, and if any surplus remain on the thirtieth day of June of each year, the

same may be divided among the members of said board pro rata to the number of examinations at which they have been present during the preceding year.

SEC. 13. That all Acts or parts of Acts, general or special, now existing not in accordance with the provisions of this Act, or inconsistent therewith, be and are hereby repealed.

53D CONGRESS,  
3D SESSION.

H. R. 8229.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 17, 1894.

Referred to the Committee on the District of Columbia and ordered to be printed.

Mr. BLAIR (by request) introduced the following bill:

### A BILL

To regulate the practice of medicine in the District of Columbia.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Physio-Medical School of Medicine shall have all the rights, privileges, and protection that is or may be provided by the law for allopathic, homœopathic, or any school of medicine within the District of Columbia, and that the professors, demonstrators, surgeons, and physicians of the Physio-Medical School of Medicine shall have the same rights, privileges, and protection, and to teach their principles and practice their profession as now is or may be accorded by the law to any school of medicine within the District of Columbia: *Provided,* That the health officer shall register upon his registration books, in his office, the names of all members of the physio-medical associations, whether honorary or otherwise, or graduates from their colleges, as regular medical practitioners, they producing certificates from the physio-medical associations as members, whether honorable or otherwise, or diplomas as graduates from their colleges, and that no discrimination shall be made by the health officer for death certificates or otherwise, nor by the District authorities in their appointments or otherwise, because of this nonpoisonous school of medicine and their principles of practice; an equal recognition must be accorded them.

53D CONGRESS,  
3D SESSION.

S. 2645.

IN THE SENATE OF THE UNITED STATES

JANUARY 23, 1895.

Mr. TELLER introduced the following bill; which was read twice and referred to the Committee on the District of Columbia.

### A BILL

To regulate the practice of medicine and surgery and to license physicians and surgeons in the District of Columbia, and for other purposes.

Whereas because of the absence of a law to ascertain the qualifications of individuals desiring to practice medicine and surgery in the Dis-

trict of Columbia, it is made a resort of persons who are excluded from the practice of medicine and surgery in other States, by laws in said States requiring evidence of such qualifications : Therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Commissioners of the District of Columbia shall appoint three boards of examiners, each composed of five members, which shall be known as the Boards of Medical Examiners of the District of Columbia. The members of one board shall be selected from a list of not less than ten names, submitted by a majority vote at some regular meeting of the Medical Society of the District of Columbia. The members of another board shall be selected from a list of not less than ten names, submitted by a majority vote at some regular meeting of the Washington Homeopathic Medical Society. The members of the third board shall be selected from a list of not less than ten names, submitted by a majority vote at some regular meeting of the Eclectic Medical Society of the District of Columbia. The members of each board first appointed shall hold office for three years, and thereafter each member of each board shall be appointed for a term of three years, or until his successor be appointed : *Provided*, That no member of any board shall have been engaged in the practice of medicine and surgery in the District of Columbia for less than five years at the time of his appointment : *And provided further*, That the Commissioners of the District of Columbia may at any time remove any member of any board, upon petition by the medical society of which such member was first nominated ; and that in the case of the death, resignation, or removal of any member, the vacancy for the unexpired term of said member shall be filled in the same manner as the original appointments were made.

SEC. 2. That each member of said boards of medical examiners of the District of Columbia shall, before entering upon the discharge of his duties, take an oath to administer fairly and impartially the provisions of this Act. Each board shall elect a president, a vice-president, a secretary, and a treasurer. It shall have a common seal and the secretary shall be empowered to administer oaths in taking testimony upon any matter pertaining to the duties of said board. Each board shall hold meetings for examination in the city of Washington on the second Thursday in January, April, July, and October of each year, and continuing so long as may be necessary to examine all applicants, and at such other times as a majority of each board may deem expedient. Each board shall keep an official record of all its meetings ; also an official register of all applicants for examination for a license to practice medicine and surgery in the District of Columbia. Said register shall show the name, age, and place and duration of residence of each candidate, the time he or she has spent in medical study, in or out of medical schools, and the names and locations of all medical schools which have granted said applicant any degree or certificate of attendance upon lectures in medicine, and shall show the school of medicine which the applicant desires to practice ; said register shall also show whether said applicant was rejected or licensed under this Act ; said register shall be prima facie evidence of all matters contained therein. It shall be the duty of the secretary of each board to mail to the address of each applicant a notice of the time and place of examination ; said notice shall be mailed not less than seven days before the examination, and at a longer period, if requested by the applicant at the time of making application. Each board shall make such rules and regulations as it may deem necessary to

carry into effect the provisions of this Act; said rules and regulations, when approved by the Commissioners of the District of Columbia, shall have full force and effect of law: *Provided*, That each board may elect a secretary from other than its own members, and when so elected said secretary may be removed at any time by a majority vote of said board.

SEC. 3. That from and after the passage of this Act all persons desiring to practice medicine and surgery in any of their branches in the District of Columbia shall apply to the board of medical examiners representing the school of medicine in which he intends to practice for a license so to do. Applicants shall submit to examination upon the following-named branches, namely: Anatomy, physiology, chemistry, pathology, materia medica and therapeutics, hygiene, histology, the practice of medicine, surgery, obstetrics, and gynecology, diseases of the eye and the ear, medical jurisprudence, and such other branches as the boards may deem advisable. The boards shall not examine any applicant until satisfactory proof is furnished that he is of good moral character and over twenty-one years of age, nor until he has presented a diploma conferring upon him the degree of doctor of medicine issued by some medical college authorized by law to confer such degree: *Provided*, That said diploma, if issued prior to July first, eighteen hundred and ninety-seven, shall be accompanied by satisfactory evidence that said applicant has studied medicine and surgery for not less than three years prior to the issue thereof, and if issued subsequent to June thirtieth, eighteen hundred and ninety-seven, shall be accompanied by satisfactory evidence that the applicant has studied medicine and surgery for not less than four years prior to the issue of said diploma. All examinations shall be both theoretical and practical, and of sufficient severity to test a candidate's fitness to practice medicine and surgery.

SEC. 4. That the Commissioners of the District of Columbia shall appoint the presidents for the time being of said three boards, a committee on examinations, whose duty it shall be to examine, revise, and edit the questions used by the said boards in examining applicants for licenses, which committee shall also have the right to examine the answers of applicants examined, and if a majority of the said committee shall be of opinion that the questions propounded are, for any reason, insufficient for the purpose intended, or that the answers to the questions in any case are not of such a character as to warrant the applicant's admission or rejection, said committee shall report the facts to the said Commissioners, who shall have power, and whose duty it shall be, to make such order in the premises as they shall deem best to give full effect to the spirit and intent of this Act, and any order made by said Commissioners, after giving the parties interested an opportunity to be heard, shall be binding upon the said boards.

SEC. 5. That each application for a license shall be made to the secretary of the board of medical examiners of the school to which the applicant belongs, upon a form prescribed by the said boards, and approved by the Commissioners of the District of Columbia, and shall be accompanied by a fee of twenty dollars. Each application shall be in the hands of the secretary of said board not less than two weeks before the day set for examination. Each application shall state the full name and address of each applicant, his or her age, the place and duration of residence of said applicant, the time he or she has spent in the study and practice of medicine in or out of medical schools and hospitals, the names and locations of all schools which have granted said applicant any degree or certificate of attendance upon lectures in medicine and



surgery, the school of medicine which the applicant desires to practice, and such other information as the board may require; said information shall be furnished under oath. Any application may be rejected for refusal to furnish any of the information called for, or for other irregularity. Each application shall be kept on file by the secretary of the board.

SEC. 6. That examinations shall be in writing. In all examinations the questions must be, except in the practice of medicine and in materia medica and therapeutics, such as should be answered in common by all schools of practice; and if the applicant intends to practice homeopathy or eclecticism, the member or members of the board representing the school selected by him shall subject said applicant to an appropriate examination in the practice of medicine, materia medica, and therapeutics. There shall be propounded ten questions to each branch. A correct set of answers to any one paper shall entitle the candidate to a full mark for that subject, namely, one hundred points, each full and correct answer rating ten points. Partial or imperfect answers shall be rated by the examiners in accordance with their degree of fullness and correctness. Any applicant who obtains a general average of not less than seventy-five of a possible one hundred, shall be entitled to a certificate from the board before which he appears, upon which certificate a license shall be issued signed by the president and secretary thereof, and attested by its seal, which shall entitle said applicant, after it has been registered as hereinafter provided, to practice medicine and surgery in the District of Columbia: *Provided*, That a license shall be issued without examination to each physician a graduate in good standing of any regularly chartered college, who is registered at the health office of the District of Columbia at the time of the passage of this Act. Examination papers shall be kept on file by the secretary of each board for five years and shall be prima facie evidence of all matters contained therein.

SEC. 7. That any board of medical examiners of the District of Columbia may by a vote of three members refuse to grant or may revoke a license granted by it, or may cause the name of any person licensed by it to be removed from the record of the supreme court of the District of Columbia and from the register of the health office, for the following causes, to wit: Chronic and persistent inebriety, the practice of criminal abortion, conviction of crime involving moral turpitude, or for publicly advertising ability to treat or cure diseases. In complaints under this section the accused shall be furnished with a copy of the complaint and be given a hearing before said board in person or by attorney. Said board may at any time within two years from the refusal or revocation of a license or the cancellation or registration under this section, by a unanimous vote, issue without examination a new license to the physician so affected, restoring him to all the rights and privileges of other physicians licensed under this Act.

SEC. 8. That any person receiving a license as hereinbefore provided shall have it recorded in the office of the clerk of the supreme court of the District of Columbia within three months from the date of said license, and the date of record shall be indorsed thereon by said clerks; and the holder of the license shall pay to the recording clerk of said court a fee of fifty cents for making the record. The holder of said license shall, after the same has been recorded, exhibit the same at the health office, and register, in a book provided for that purpose, his name and address. Whenever a license is revoked by any board the secretary thereof shall report that fact in writing to the clerk of said court, and t

the health officer of the District of Columbia, who shall thereupon cancel such registration.

SEC. 9. That this Act shall not apply to commissioned surgeons of the United States Army, Navy, or Marine Hospital Service; nor to regularly licensed physicians and surgeons in actual consultation from other States or Territories; nor to regularly licensed physicians and surgeons actually called from other States or Territories to attend specified cases in the District of Columbia; nor to physicians graduates of medical colleges in good standing already on the register at the health office, who shall be required, without examination, to register their names with the supreme court of the District of Columbia and at the health office, and shall in all other respects be subject to the rules and restrictions of this Act; nor to dentists in the legitimate exercise of their profession; nor to midwives, registered at the health office of the said District, in the management of uncomplicated cases of obstetrics; nor to the treatment of any case of actual emergency; nor to the use of ordinary domestic remedies without any fee, gift, or consideration of any kind being given in return therefor: *Provided*, That a license may be issued under such regulations as the committee on examinations, with the approval of the Board of Commissioners of said District, shall make to any physician holding a license from any State Board of Medical Examiners established by law, which has required, before the issue of said license, qualifications and examinations equivalent to those required by this Act for the issue of similar licenses.

SEC. 10. That any person shall be regarded as practicing medicine and surgery within the meaning of this Act who shall append the letters M. D. or M. B. to his or her name, or who shall prescribe, advise, or apply, for the use of any person or persons, any drug or medicine or other agency, or who shall perform any operation for the treatment, cure, or relief of any bodily injury, infirmity, or disease, or who shall publicly profess to do any of these things.

SEC. 11. That from and after the passage of this Act any person practicing medicine and surgery in the District of Columbia without first having obtained a license to do so, and registered the same as herein provided, or in violation of any of the provisions of this Act or any of the rules and regulations made by authority conferred by section 2 thereof, or after his license or registration, or both, has been canceled by order of the Board of Medical Examiners of the District of Columbia, by which he was licensed, shall be deemed guilty of a misdemeanor, and upon conviction thereof in the police court of said District, upon an information similar to that filed in the case of violations of the police regulations made by the said Commissioners, shall be fined not less than fifty nor more than five hundred dollars, or by imprisonment in the District jail for a period of not less than ten nor more than ninety days, or by both such fine and imprisonment. It shall be the duty of the attorney of the District of Columbia to prosecute all violations of the provisions of this Act.

SEC. 12. That the secretary of each board of examiners shall be paid for taking testimony the same fee that is allowed to an examiner in chancery for the same service. The expense of each board, and of the examinations held by it, shall be paid from the license fees herein provided for, and if any surplus remain on the thirtieth day of June of each year to the credit of any board, the same may be divided among the members of that board pro rata to the number of examinations at which they have been present during the preceding year.

SEC. 13. That all Acts or parts of Acts, general or special, now existing not in accordance with the provisions of this Act, or inconsistent therewith, be, and are hereby, repealed.

53<sup>D</sup>. CONGRESS,  
3<sup>D</sup> SESSION.

S. 2685.

IN THE SENATE OF THE UNITED STATES

JANUARY 31, 1895.

Mr. HARRIS (by request) introduced the following bill; which was read twice and referred to the Committee on the District of Columbia.

A BILL

To regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia.

Whereas because of the absence of a law to ascertain the qualifications of individuals desiring to practice medicine and surgery in the District of Columbia it is made a resort for persons who are excluded from the practice of medicine and surgery in other States by laws in said States requiring evidence of such qualifications: Therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there shall be, and is hereby, created a board of medical supervisors of the District of Columbia, which shall consist of the presidents of the three boards of medical examiners hereinafter provided for and two members to be appointed by the Commissioners of the District of Columbia, each for a period of three years, or until his successor is appointed: *Provided,* That said Commissioners may remove any member of said board for neglect of duty or other just cause.

SEC. 2. That the said board of medical supervisors shall elect a president and secretary, who shall also act as treasurer and shall give such bond as may be required by the Commissioners of the District of Columbia. Said board shall make, subject to the approval of the Commissioners of the District of Columbia, such regulations as may be necessary to carry into effect the provisions of this Act. Said board shall hold such meetings as may be necessary for the transaction of business. Said board shall supervise all examinations provided for in this Act, and shall issue all licenses to practice medicine or midwifery in the District of Columbia. Said board shall keep an official record of its meetings, also an official register of all applicants for examination for a license to practice medicine and surgery in the District of Columbia. Said register shall show the name, age, and place of duration of residence of each candidate, the time he or she has spent in medical study, in or out of medical schools, and the names and locations of all medical schools which have granted said applicant any degree or certificate of attendance upon lectures in medicine. Said register shall also show whether said applicant was rejected or licensed under this Act. Said register shall be prima facie evidence of all matters contained therein. The secretary of said board shall have the power to administer oaths upon such matters as pertain to the business thereof. It shall be the duty of the secretary of said board to mail to the address of each applicant a notice of the time and place of examination not less than seven days before the examination, and at a longer period if requested by the applicant at the time of making application.

SEC. 3. That from and after the passage of this Act all persons desiring to practice medicine and surgery in any of their branches in the District

of Columbia shall apply to the said board of medical supervisors for a license to do so. Applicants shall submit to examination upon the following-named branches, to wit: Anatomy, physiology, chemistry, pathology, materia medica and therapeutics, hygiene, histology, practice of medicine, surgery, obstetrics and gynecology, diseases of the eye and the ear, medical jurisprudence, and such other branches as said board shall deem advisable. Each applicant shall be certified by said board for examination as speedily as possible to the board of medical examiners whose members are adherents to the system of medicine which said applicant desires to practice; but said board shall not certify for examination any applicant until satisfactory proof is furnished that he is of good moral character and over twenty-one years of age; nor until he has presented a diploma conferring upon him the degree of doctor of medicine, issued by some medical college authorized by law to confer such degree: *Provided*, That said diploma, if issued prior to July first, eighteen hundred and ninety-seven, shall be accompanied by satisfactory evidence that said applicant has studied medicine and surgery for not less than three years prior to the issue thereof, and if issued subsequent to June thirtieth, eighteen hundred and ninety-seven, shall be accompanied by satisfactory evidence that the applicant has studied medicine and surgery for not less than four years prior to the issue of said diploma. All examinations shall be both theoretical and practical, and of sufficient severity to test a candidate's fitness to practice medicine and surgery. Any applicant intending to practice in the District of Columbia any system of medicine or treatment other than the regular or homeopathic or eclectic system, and stating such intention in his application, shall be exempt from such part of any examinations to which he may be subjected as relates exclusively to the treatment of disease, but such applicant shall submit in all other branches to the same examinations as are required of other applicants, and shall be examined by such board of examiners as may be designated by the board of medical supervisors: *Provided*, That any person who may avail himself of the exemption allowed by this clause, and who receives a license under this Act, shall cause at all times to be plainly affixed to any sign or signs he may erect or cause to be erected, and to any prescription blanks, bill-heads and other like articles he may use in his professional work, and to be inserted in any advertisement he may cause to be displayed, the designation of the system of medicine or treatment employed by him for the cure and relief of disease.

SEC. 4. That said application for a license to practice medicine and surgery in the District of Columbia shall be made to the secretary of said board of medical supervisors upon a form prescribed by said board, and shall be accompanied by a fee of twenty dollars. Each application shall be in the hands of the secretary of said board not less than two weeks before the day set for examination, and any application may be rejected for refusal to furnish any of the information called for or for other irregularity. All applications shall be kept on file by the secretary of the board.

SEC. 5. That immediately after the passage of this Act the Commissioners of the District of Columbia shall appoint three boards of medical examiners, one to be known as the board of medical examiners of the District of Columbia, and to be composed of five physicians in good standing, adherents to the regular system of medical practice; one to be known as the board of homeopathic medical examiners of the District of Columbia, and to be composed of five physicians in good standing, adherents to the homeopathic system of medical practice, and one to be

known as the board of eclectic medical examiners of the District of Columbia, to be composed of five physicians in good standing, adherents to the eclectic system of medical practice. Of the members of each board first appointed, one shall be appointed to serve one year, two to serve two years, and two to serve three years, and thereafter each member of each board shall be appointed to serve three years, or until his successor is appointed: *Provided*, That no member of said boards shall have engaged in the practice of medicine and surgery in the District of Columbia for less than five years at the time of his appointment: *And provided further*, That the Commissioners of the District of Columbia may at any time remove any member of said boards for neglect of duty or other just cause, and that in case of the death, resignation, or removal of any member, the vacancy for the unexpired term of said member shall be filled in the same manner as other appointments are made.

SEC. 6. That each member of said boards of medical examiners of the District of Columbia shall, before entering upon the discharge of his duties, take an oath to administer fairly and impartially the provisions of this Act. Each board shall elect from its own members a president and secretary. Each board shall hold a meeting for examination in the city of Washington on the second Thursday in January, April, July, and October of each year, and continuing so long as may be necessary to examine all applicants, and at such other times as the board of medical supervisors shall direct. Each of said boards of medical examiners shall examine, at the examination immediately following the receipt of the proper certificates from the board of medical supervisors, all applicants for licenses to practice medicine and surgery in the District of Columbia so certified.

SEC. 7. That the several boards of medical examiners shall, not less than one week prior to each examination, submit to the board of medical supervisors of the District of Columbia questions for thorough examinations in anatomy, physiology, chemistry, pathology, materia medica and therapeutics, hygiene, histology, practice of medicine, surgery, obstetrics, and gynecology, diseases of the eye and the ear, medical jurisprudence, and such other branches as said board of medical supervisors may direct. From the lists of questions so submitted, said board of medical supervisors shall select the questions for each examination and such questions shall be the same for all candidates, except that in the department of therapeutics, practice of medicine, and materia medica the questions shall be in harmony with the system of medicine selected by the candidate. Said examinations shall be conducted orally and in writing, in accordance with the rules and regulations prescribed by the board of medical supervisors, and shall embrace the subjects in section three of this Act. An official report of the result of each examination, signed by the president and secretary and each acting member of said board of medical examiners, stating the examination average of each candidate in each branch, the general average, and the result of the examination, whether successful or unsuccessful, shall be transmitted to the board of medical supervisors within fifteen days from the date of such examination. Said report shall embrace all the examination papers, questions, and answers thereto. All such examination papers shall be kept for reference and inspection for a period of not less than five years.

SEC. 8. That if in the opinion of a majority of the board of medical supervisors, after a careful examination of the report of the board of medical examiners by which any applicant was examined, said applicant

has fairly passed such examination as hereinbefore provided for, the board of medical supervisors of the District of Columbia shall, as soon thereafter as possible, issue to him a license signed by the president and secretary of said board and attested by the seal of the District of Columbia, which license shall entitle said applicant, after it is registered as hereinafter provided, to practice medicine and surgery in the District of Columbia: *Provided*, That a license shall be issued upon application, free of cost and without examination, to each physician, a graduate of any medical college in good standing, who is registered at the health office of the District of Columbia at the time of the passage of this Act: *And provided further*, That a license may be issued, under such regulations as the board of medical supervisors of the District of Columbia, with the approval of the Board of Commissioners of said District, shall make, to any physician holding a license from any State board of medical examiners established by law which has required, before the issue of said license, qualifications and examinations equivalent to those required by this Act for the issue of similar license. All licenses issued by said board shall be numbered consecutively, and a register shall be kept by the secretary showing the number of each license, the date of issue, and to whom issued.

SEC. 9. That the board of medical supervisors of the District of Columbia shall make, subject to the approval of the Commissioners of said District, such regulations as may be necessary to determine the qualifications of women desiring hereafter to commence the practice of midwifery in the District of Columbia, and shall issue licenses to such as are, after examination, found qualified; but no fee shall be charged for the examination of any applicant for such licenses, and no applicant who has been rejected shall be re-examined within one year from such rejection: *Provided*, That a license shall be issued upon application, free of cost and without examination, to each midwife registered at the health office of the District of Columbia at the time of the passage of this Act.

SEC. 10. That the board of medical supervisors of the District of Columbia may, by a vote of four members, refuse to grant or may revoke a license, or may cause the name of any person to be removed from the record of the supreme court of the District of Columbia and from the register of the health office, for the following causes, to wit: The employment of fraud or deception in passing the examinations provided for in this Act, chronic and persistent inebriety, the practice of criminal abortion, or conviction of crime involving moral turpitude. In complaints under this section the accused shall be furnished with a copy of the complaint and given a hearing before said board in person, or by attorney. Said board shall have the power to compel the attendance of witnesses by subpoenas. Appeal from the decision of said board may be taken to the Board of Commissioners of the District of Columbia, and its decision shall be final. Said board may at any time within two years from the refusal or revocation of a license, or the cancellation of registration under this section, by a unanimous vote, issue, without examination, a new license to the person so affected, restoring to him all the rights and privileges of which he or she had been deprived by said board.

SEC. 11. That any person receiving a license as hereinbefore provided shall have it recorded in the office of the clerk of the supreme court of the District of Columbia within three months from the date of said license, and the place and date of record shall be certified thereon by said clerk; and the holder of the license shall pay to the recording clerk a fee of fifty cents for making the record. The holder of said license shall,

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after the same has been recorded, exhibit the same at the health office and register in a book, provided for that purpose, his or her name and address. Whenever a license is revoked by said board of medical supervisors the secretary thereof shall report that fact in writing to the clerk of said court and to the health officer of the District of Columbia, who shall thereupon cancel such registration.

SEC. 12. That this Act shall not apply to commissioned surgeons of the United States Army, Navy, or Marine-Hospital Service, nor to regularly licensed physicians and surgeons in actual consultation from other States or Territories, nor to regularly licensed physicians and surgeons actually called from other States or Territories to attend specified cases in the District of Columbia, nor to dentists in the legitimate exercise of their profession, nor to the treatment of any case of actual emergency, nor to the use of ordinary domestic remedies without any fee, gift, or consideration of any kind being given in return therefor.

SEC. 13. That any person shall be regarded as practicing medicine and surgery within the meaning of this Act who shall append the letters M. D. or M. B. to his or her name, or who shall prescribe, advise, or apply for the use of any person or persons any drug or medicine, or other agency, or who shall perform any operation for the treatment, cure, or relief of any bodily injury, infirmity, or disease, or who shall publicly profess to do any of these things.

SEC. 14. That from and after the passage of this Act any person practicing medicine and surgery or midwifery in the District of Columbia without first having obtained a license to do so, and registered the same as herein provided, or in violation of any of the provisions of this Act, or any of the rules and regulations made by authority conferred herein, or after his license or registration, or both, has been canceled by order of the board of medical supervisors of the District of Columbia, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished for each offense by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment in the District jail for a period of not less than ten nor more than ninety days, or by both such fine and imprisonment. It shall be the duty of the United States district attorney for the District of Columbia to prosecute all violations of the provisions of this Act.

SEC. 15. That the secretary of the board of medical supervisors shall be paid for taking testimony the same fee that is allowed to an examiner in chancery for the same service. The expense of said board and of the examinations shall be paid from the license fees herein provided for; and if any surplus remain on the thirtieth day of June of each year the members of the board of medical supervisors appointed as such shall be paid such reasonable compensation as said board may determine, and any balance then remaining shall be divided among the three boards of medical examiners in proportion to the number of candidates examined, each member of each board of medical examiners to receive such part of the entire amount paid as that board itself shall determine.

SEC. 16. That all Acts or parts of Acts, general or special, now existing not in accordance with the provisions of this Act, or inconsistent therewith, be, and are hereby, repealed.

54TH CONGRESS,  
1ST SESSION.

S. 325.

IN THE SENATE OF THE UNITED STATES

DECEMBER 4, 1895.

Mr. HARRIS (by request) introduced the following bill; which was read twice and referred to the Committee on the District of Columbia.

A BILL

To regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia.

Whereas because of the absence of a law to ascertain the qualifications of individuals desiring to practice medicine and surgery in the District of Columbia it is made a resort for persons who are excluded from the practice of medicine and surgery in other States by laws in said States requiring evidence of such qualifications: Therefore,

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there shall be, and is hereby, created a board of medical supervisors of the District of Columbia, which shall consist of the presidents of the three boards of medical examiners hereinafter provided for and two persons, not physicians, holding office under the Government of the United States or of the District of Columbia, to be appointed by the Commissioners of the District of Columbia, each for a period of three years, or until his successor is appointed: *Provided,* That not more than two members of the board of supervisors shall be adherents of any one system of medical practice: *And provided further,* That said Commissioners may remove any member of said board for neglect of duty or other just cause, and that in case of the death, resignation, or removal of any member the vacancy for the unexpired term of said member shall be filled in the same manner as other appointments are made.

Sec. 2. That the said board of medical supervisors shall elect a president, a vice-president, and a secretary. Said board shall make, subject to the approval of the Commissioners of the District of Columbia, such regulations as may be necessary to carry into effect the provisions of this Act. Said board shall hold such meetings as may be necessary for the transaction of business. Said board shall supervise all examinations provided for in this Act, and shall issue all licenses to practice medicine and surgery or midwifery in the District of Columbia. Said board shall keep an official record of its meetings, also an official register of all applicants for examination for licenses to practice medicine and surgery in the District of Columbia. Said register shall show the name, age, and place and duration of residence of each candidate, the time he or she has spent in medical study, in or out of medical schools, and the names and locations of all medical schools which have granted said applicant any degree or certificate of attendance upon lectures in medicine. Said register shall also show whether said applicant was rejected or licensed under this Act. Said register shall be prima facie evidence of all matters contained therein. The secretary aforesaid may be elected by said board from others than its own members; said secretary shall also act as treasurer, and shall give such bond as may be required by the Commissioners of the District of Columbia; said secretary shall have the power



to administer oaths upon such matters as pertain to the business of said board; said secretary shall mail to the address of each applicant a notice of the time and place of examination, not less than seven days before the examination, and at a longer period if requested by the applicant at the time of making application.

SEC. 3. That from and after the passage of this Act all persons desiring to practice medicine and surgery in any of their branches in the District of Columbia shall apply to said board of medical supervisors for a license to do so. Applicants shall submit to examination upon the following-named branches, to wit: Anatomy, physiology, chemistry, pathology, materia medica and therapeutics, hygiene, histology, practice of medicine, surgery, obstetrics and gynecology, diseases of the eye and the ear, medical jurisprudence, and such other branches as said board shall deem advisable. Each applicant shall be certified by said board for examination as speedily as possible to the board of medical examiners whose members are adherents to the system of medicine which said applicant desires to practice; but said board shall not certify for examination any applicant until satisfactory proof is furnished that he is of good moral character and over twenty-one years of age, nor until he has presented a diploma conferring upon him the degree of doctor of medicine, issued by some medical college authorized by law to confer such degree: *Provided*, That said diploma, if issued prior to July first, eighteen hundred and ninety-seven, shall be accompanied by satisfactory evidence that said applicant has studied medicine and surgery for not less than three years prior to the issue thereof, and if issued subsequent to June thirtieth, eighteen hundred and ninety-seven, shall be accompanied by satisfactory evidence that the applicant has studied medicine and surgery for not less than four years prior to the issue of said diploma. All examinations shall be both theoretical and practical and of sufficient severity to test a candidate's fitness to practice medicine and surgery.

SEC. 4. That said application for a license to practice medicine and surgery in the District of Columbia shall be made to the secretary of said board of medical supervisors upon a form prescribed by said board, and shall be accompanied by a fee of twenty dollars. Each application shall be in the hands of said secretary not less than two weeks before the day set for examination and any application may be rejected for refusal to furnish any of the information called for or for other irregularity. All applications shall be kept on file by said secretary.

SEC. 5. That immediately after the passage of this Act, the Commissioners of the District of Columbia shall appoint three boards of medical examiners, one to be known as the board of medical examiners of the District of Columbia and to be composed of five physicians in good standing, adherents to the regular system of medical practice; one to be known as the board of homeopathic medical examiners of the District of Columbia, and to be composed of five physicians in good standing, adherents to the homeopathic system of medical practice, to be selected from a list of not less than ten names, submitted by a majority vote at some regular meeting of the Washington Homeopathic Medical Society; and one to be known as the board of eclectic medical examiners of the District of Columbia, to be composed of five physicians in good standing, adherents to the eclectic system of medical practice, to be selected from a list of not less than ten names, submitted by a majority vote at some regular meeting of the Eclectic Medical Society of the District of Columbia. Of the members of each board first appointed, one shall be appointed to serve one year, two to serve two years, and two to serve

three years, and thereafter each member of each board shall be appointed to serve three years, or until his successor is appointed: *Provided*, That no member of said boards shall have engaged in the practice of medicine and surgery in the District of Columbia for less than five years at the time of his appointment: *And provided further*, That in event of the failure of the Washington Homeopathic Medical Society or of the Eclectic Medical Society of the District of Columbia, after fifteen days' notice by the Commissioners of the District of Columbia, to submit the list of names aforesaid, said Commissioners may appoint the members of the board of homeopathic medical examiners, or of the board of eclectic medical examiners, or of both, as the case may be, without restriction as to nomination by the society or societies in default: *And provided further*, That said Commissioners may at any time remove any member of said boards for neglect of duty or other just cause, and that in case of the death, resignation, or removal of any member the vacancy for the unexpired term of said member shall be filled in the same manner as other appointments are made.

SEC. 6. That each member of said boards of medical examiners of the District of Columbia shall, before entering upon the discharge of his duties, take an oath to administer fairly and impartially the provisions of this Act. Each board shall elect from its own members a president and a secretary. Each board shall hold a meeting for examination in the city of Washington on the second Thursday in January, April, July, and October of each year, and continuing so long as may be necessary to examine all applicants, and at such other times as the board of medical supervisors shall direct. Each of said boards of medical examiners shall examine at the examination immediately following the receipt of the proper certificates from the board of medical supervisors all applicants for licenses to practice medicine and surgery in the District of Columbia so certified.

SEC. 7. That the several boards of medical examiners shall, not less than one week prior to each examination, submit to the board of medical supervisors of the District of Columbia questions for thorough examinations in anatomy, physiology, chemistry, pathology, materia medica and therapeutics, hygiene, histology, practice of medicine, surgery, obstetrics and gynecology, diseases of the eye and the ear, medical jurisprudence, and such other branches as said board of medical supervisors may direct. From the lists of questions so submitted said board of medical supervisors shall select the questions for each examination, and such questions shall be the same for all candidates, except that in the department of therapeutics, practice of medicine, and materia medica the questions shall be in harmony with the system of medicine selected by the candidate. Said examinations shall be conducted orally and in writing, in accordance with the rules and regulations prescribed by the board of medical supervisors, and shall embrace the subjects as stated in section three of this Act. An official report of the result of each examination, signed by the president and the secretary and each acting member of the board of medical examiners conducting such examination, stating the examination average of each candidate in each branch, the general average, and the result of the examination, whether successful or unsuccessful, shall be transmitted to the board of medical supervisors within fifteen days from the date of such examination. Said report shall embrace all the examination papers, questions, and answers thereto. All such examination papers shall be kept for reference and inspection for a period of not less than five years.

SEC. 8. That if in the opinion of a majority of the board of medical supervisors, after a careful examination of the report of the board of medical examiners by which any applicant was examined, said applicant has fairly and successfully passed such examination as hereinbefore provided for the board of medical supervisors of the District of Columbia shall, as soon thereafter as possible, issue to him a license signed by the president and the secretary of said board and attested by the seal of the District of Columbia, which license shall entitle said applicant, after it is registered as hereinafter provided, to practice medicine and surgery in the District of Columbia: *Provided*, That a license shall be issued upon application, free of cost and without examination, to each physician, a graduate of any medical college in good standing, who is registered at the health office of the District of Columbia at the time of the passage of this Act: *And provided further*, That a license may be issued, under such regulations as the board of medical supervisors of the District of Columbia, with the approval of the Board of Commissioners of said District shall make, to any physician holding a license from any State board of medical examiners established by law which has required, before the issue of said license, qualifications and examinations equivalent to those required by this Act for the issue of similar licenses. All licenses issued by said board shall be numbered consecutively, and a register shall be kept by the secretary showing the number of each license, the date of issue, and to whom issued.

SEC. 9. That the board of medical supervisors of the District of Columbia shall make, subject to the approval of the Commissioners of said District, such regulations as may be necessary to determine the qualifications of women desiring hereafter to commence the practice of midwifery in the District of Columbia, and shall issue licenses to such as are, after examination, found qualified; but no fee shall be charged for the examination of any applicant for such licenses, and no applicant who has been rejected shall be re-examined within one year from such rejection: *Provided*, That a license shall be issued upon application, free of cost and without examination, to each midwife registered at the health office of the District of Columbia at the time of the passage of this Act.

SEC. 10. That the board of medical supervisors of the District of Columbia may, by a vote of four members, refuse to grant or may revoke a license, and may cause the name of any person to be removed from the record of the supreme court of the District of Columbia and from the register of the health office for any of the following causes, to wit: The employment of fraud or deception in passing the examinations provided for in this Act, chronic and persistent inebriety, the practice of criminal abortion, conviction of crime involving moral turpitude, or publicly professing, in such a manner as to deceive the public, to cure or treat diseases, injury, or deformity. In complaints under this section the accused shall be furnished with a copy of the complaint and given a hearing before said board in person or by attorney. Said board shall have the power to compel the attendance of witnesses by subpoenas. Appeal from the decision of said board may be taken to the Board of Commissioners of the District of Columbia, and its decision shall be final. Said board may at any time within two years from the refusal or revocation of a license, or the cancellation of registration under this section, by a unanimous vote, issue, without examination, a new license to the person so affected, restoring to him all the rights and privileges of which he or she had been deprived by said board.

SEC. 11. That any person receiving a license as hereinbefore provided

shall have it recorded in the office of the clerk of the supreme court of the District of Columbia within three months from the date of said license, and the place and date of record shall be certified thereon by said clerk; and the holder of the license shall pay to the recording clerk a fee of fifty cents for making the record. The holder of said license shall, after the same has been recorded, exhibit the same at the health office and register, in a book provided for that purpose, his or her name and address. Whenever a license is revoked by said board of medical supervisors the secretary thereof shall report that fact in writing to the clerk of said court and to the health officer of the District of Columbia, who shall thereupon cancel such registration.

SEC. 12. That this Act shall not apply to commissioned surgeons of the United States Army, Navy, or Marine-Hospital Service, nor to regularly licensed physicians and surgeons in actual consultation from other States or Territories, nor to regularly licensed physicians and surgeons actually called from other States or Territories to attend specified cases in the District of Columbia, nor to dentists in the legitimate exercise of their profession, nor to the treatment of any case of actual emergency, nor to the use of ordinary domestic remedies without any fee, gift, or consideration of any kind being given in return therefor.

SEC. 13. That any person shall be regarded as practicing medicine and surgery within the meaning of this Act who shall append the letters M. D. or M. B. to his or her name, or who shall prescribe, advise, or apply for the use of any person or persons any drug or medicine or other agency, or who shall perform any operation for the treatment, cure, or relief of any bodily injury, infirmity, or disease, or who shall publicly profess to do any of those things.

SEC. 14. That from and after the passage of this Act any person practicing medicine and surgery or midwifery in the District of Columbia, without first having obtained from the board of medical supervisors of the District of Columbia a license to do so and registered the same as herein provided, or in violation of any of the provisions of this Act or any of the rules and regulations made by authority conferred herein, or after his license or registration, or both, has been canceled by order of said board of medical supervisors of the District of Columbia, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished for each offense by a fine of not less than fifty nor more than five hundred dollars, or by imprisonment in the District jail for a period of not less than ten nor more than ninety days, or by both such fine and imprisonment. It shall be the duty of the United States district attorney for the District of Columbia to prosecute all violations of the provisions of this Act.

SEC. 15. That the secretary of the board of medical supervisors shall be paid for taking testimony the same fee that is allowed to an examiner in chancery for the same service. The expense of said board and of the examinations shall be paid from the license fees herein provided for; and if any surplus remain on the thirtieth day of June of each year the members of the board of medical supervisors appointed as such shall be paid such reasonable compensation as said board may determine, and any balance then remaining shall be divided among the three boards of medical examiners in proportion to the number of candidates examined, each member of each board of medical examiners to receive such part of the entire amount paid as that board itself shall determine.

SEC. 16. That all acts or parts of acts, general or special, now existing not in accordance with the provisions of this Act, or inconsistent therewith, be, and are hereby, repealed.





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